

OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA

NINETEENTH DAY'S PROCEEDINGS

**Twenty-Eighth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Tuesday, June 11, 2002

The Senate was called to order at 10:30 o'clock A.M., by Hon.
John Hainkel, President of the Senate.

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Fields	Lentini
Bajoie	Fontenot	Malone
Barham	Gautreaux	Marionneaux
Bean	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Total—39		

ABSENT

Total—0

The President of the Senate announced there were 39 Senators
present and a quorum.

Prayer

The prayer was offered by Rev. Carl Hudson, following which
the Senate joined in pledging allegiance to the flag of the United States
of America.

Reading of the Journal

On motion of Senator Hines, the reading of the Journal was
dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Introduction of Resolutions,
Senate and Concurrent**

Senator Lambert asked for and obtained a suspension of the rules
for the purpose of introducing and reading the following Resolutions,
Senate and Concurrent, a first and second time and acting upon them
as follows:

SENATE RESOLUTION NO. 46—

BY SENATOR HOLDEN

A RESOLUTION

To express the sincere condolences of the Senate of the Legislature of
Louisiana upon the death of William Andrew Cannon.

On motion of Senator Holden, the resolution was read by title
and adopted.

SENATE RESOLUTION NO. 47—

BY SENATOR MOUNT

A RESOLUTION

To offer the sincere condolences of the Senate of the Legislature of
Louisiana to the family of Petty Officer 2nd Class Kevin Wayne
Yokum, a Louisiana citizen who died in the line of duty in the
September 11, 2001 attack on the United States.

On motion of Senator Mount, the resolution was read by title
and adopted.

SENATE CONCURRENT RESOLUTION NO. 70—

BY SENATOR C. JONES

A CONCURRENT RESOLUTION

To urge and request the Department of Economic Development to
report to the legislature certain employment information,
categorized by race and sex, for each business receiving a tax
exemption.

The resolution was read by title; lies over under the rules.

**Senate Concurrent Resolutions
on Second Reading**

The following Senate Concurrent Resolutions were read and
acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 64—

BY SENATOR HOLDEN

A CONCURRENT RESOLUTION

To create a special committee to establish specifications for the
creation of a uniform electronic voting system and plan in order
to meet the guidelines for early application for the purpose of
receiving maximum federal block grant funds.

On motion of Senator Holden, the resolution was read by title
and returned to the Calendar, subject to call.

**House Concurrent Resolutions
on First Reading**

The following House Concurrent Resolutions were read a first
time by their titles and placed on the Calendar for their second
reading:

HOUSE CONCURRENT RESOLUTION NO. 71—

BY REPRESENTATIVE DEVILLIER

A CONCURRENT RESOLUTION

To urge and request the Department of Insurance to study the efficiency, effectiveness, and operation of indigent care in the greater Baton Rouge area; to provide for contents of the study; to provide for submission to the legislature; and to provide for related matters.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Insurance.

HOUSE CONCURRENT RESOLUTION NO. 78—

BY REPRESENTATIVES MCDONALD, DOWNER, THOMPSON, R. ALEXANDER, DOERGE, GALLOT, HAMMETT, HUNTER, KENNEY, MCCALLUM, RIDDLE, SALTER, AND TOWNSEND AND SENATOR BARHAM

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to amend the appropriate federal provisions or to direct the appropriate federal agency to amend regulations to provide for positive changes relative to renewal communities.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE CONCURRENT RESOLUTION NO. 79—

BY REPRESENTATIVE ERDEY AND SENATOR FONTENOT

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Julie DeAnn Rowe.

The resolution was read by title. Senator Fontenot moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Hines	Mount
Campbell	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	
Total—29		

NAYS

Total—0

ABSENT

Barham	Johnson	Tarver
Cain	Jones, B	Ullo
Ellington	Jones, C	
Heitmeier	Marionneaux	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 80—

BY REPRESENTATIVES THOMPSON AND MCDONALD

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Clarke M. Williams of Oak Ridge.

The resolution was read by title. Senator B. Jones moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Bajoie	Gautreaux	McPherson
Bean	Hines	Michot
Boissiere	Holden	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Dardenne	Irons	Smith
Dean	Jones, B	Theunissen
Dupre	Lambert	Thomas
Fields	Lentini	
Total—29		

NAYS

Total—0

ABSENT

Barham	Heitmeier	Tarver
Cain	Johnson	Ullo
Cravins	Jones, C	
Ellington	Marionneaux	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 81—

BY REPRESENTATIVES FAUCHEUX AND QUEZAIRE AND SENATOR LAMBERT

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Elmore "Moe" Trosclair, former mayor of Litcher.

The resolution was read by title. Senator Lambert moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
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Bajoie	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Hines	Mount
Campbell	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Irons	Theunissen
Dean	Jones, B	Thomas
Dupre	Lambert	
Total—29		

NAYS

Total—0

ABSENT

Barham	Johnson	Tarver
Cain	Jones, C	Ullo
Ellington	Lentini	
Heitmeier	Marionneaux	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Senator Lambert in the Chair

HOUSE CONCURRENT RESOLUTION NO. 82—

BY REPRESENTATIVE SCALISE

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to transfer the portion of Central Avenue, also known as Louisiana Highway 48, from its intersection with Jefferson Highway to its intersection with River Road, to Jefferson Parish in exchange for the transfer of a parish road of equal length into the state highway system.

The resolution was read by title. Senator Hollis moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	McPherson
Bajoie	Gautreaux	Michot
Bean	Hines	Mount
Campbell	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jones, B	Tarver
Dean	Lambert	Theunissen
Dupre	Lentini	
Fields	Malone	
Total—28		

NAYS

Marionneaux
Total—1

ABSENT

Barham	Heitmeier	Thomas
Boissiere	Hoyt	Ullo
Cain	Johnson	
Ellington	Jones, C	
Total—10		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 83—

BY REPRESENTATIVE PERKINS

A CONCURRENT RESOLUTION

To urge and request the Board of Regents to formulate, develop, and recommend for adoption by each public postsecondary education management board a policy providing that any reduction in tuition or mandatory attendance fee amounts, or both, or any waiver of such amounts granted by a Louisiana public college or university to a student based solely on the student's age shall be recognized and continued if the student transfers to any other Louisiana public college or university unless the institution to which the student transfers has a tuition and mandatory attendance fee policy applicable to the student that provides equivalent or better benefits than provided by the waiver or reduction previously granted the student.

The resolution was read by title. Senator Fontenot moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Bajoie	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Hines	Mount
Campbell	Holden	Romero
Chaisson	Hollis	Schedler
Cravins	Hoyt	Smith
Dardenne	Lambert	Tarver
Dean	Lentini	Thomas
Total—27		

NAYS

Total—0

ABSENT

Barham	Heitmeier	Jones, C
Cain	Irons	Marionneaux
Ellington	Johnson	Theunissen
Fields	Jones, B	Ullo
Total—12		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON**EDUCATION**

Senator Theunissen, Chairman on behalf of the Committee on Education, submitted the following report:

June 11, 2002

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

SENATE RESOLUTION NO. 44—

BY SENATOR MCPHERSON

A RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to meet and consider a Minimum Foundation Program formula for the 2002-2003 Fiscal Year that addresses the teacher salary increase disparity.

Reported favorably.

Respectfully submitted,
GERALD J. THEUNISSEN
Chairman

Rules Suspended

Senator Dupre asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Senate Bills and Joint Resolutions
Returned from the House
of Representatives with Amendments**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

SENATE BILL NO. 13—

BY SENATORS DUPRE AND CAIN

AN ACT

To enact R.S. 47:801(13) and 803.2, relative to special fuels; to provide for the use of dyed diesel fuel in fire trucks; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Reengrossed Senate Bill No. 13 by Senator Dupre

AMENDMENT NO. 1

On page 2, line 9, following "(1)" and before "fire" change "the" to "The"; and on line 11, following "trucks" change "; and" to a period "."

AMENDMENT NO. 2

On page 2, line 12, following "(2)" and before "has" change "it" to "It"; and on line 14, following "district" change "; and" to a period "."

AMENDMENT NO. 3

On page 2, line 15, following "(3)" and before "only" change "the" to "The"

AMENDMENT NO. 4

On page 2, lines 23 and 24, before "FD" change "a" to "an"

AMENDMENT NO. 5

On page 3, lines 1, 3, and 8, before "FD" change "a" to "an"

Senator Dupre moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Bean	Hines	Michot
Boissiere	Holden	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Jones, B	Tarver
Dean	Lambert	Theunissen
Dupre	Lentini	Thomas
Fields	Malone	
Total—32		

NAYS

Total—0

ABSENT

Barham	Heitmeier	Ullo
Cain	Johnson	
Ellington	Jones, C	
Total—7		

The Chair declared the amendments proposed by the House were concurred in. Senator Dupre moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 18—

BY SENATOR ROMERO

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to exempt drilling rigs used exclusively for the exploration and development of minerals outside the territorial limits of the state; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Civil Law and Procedure to Reengrossed Senate Bill No. 18 by Senator Romero

AMENDMENT NO. 1

On page 2, delete lines 17 through 22 and insert the following: "To exempt from ad valorem taxation drilling rigs used exclusively for the exploration and development of minerals outside the territorial limits of the state in Outer Continental Shelf waters which are within the state for the purpose of being stored, stacked, converted, renovated, or repaired, and any property incorporated in or used in the operation of such drilling rigs. (Adds Article VII, Section 21(J))"

Senator Romero moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, C	Theunissen
Dean	Lambert	Thomas
Dupre	Lentini	Ullo
Total—36		

NAYS

Total—0

ABSENT

Ellington	Heitmeier	Jones, B
Total—3		

The Chair declared the amendments proposed by the House were concurred in. Senator Romero moved to reconsider the vote by

which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 31—

BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 47:6006(B), 6006.1(B), and 6014(B) and (C), relative to tax credits; to provide a procedure for claiming and refunding certain tax credits; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Beard to Reengrossed Senate Bill No. 31 by Senator B. Jones

AMENDMENT NO. 1

On page 1, at the end of line 2, delete the comma "," and insert "and to enact R.S. 47:6007.1,"

AMENDMENT NO. 2

On page 1, line 4, after "credits;" insert "to provide for a tax credit for investment in certain companies engaged in the business of acquisition and distribution of certain motion pictures;"

AMENDMENT NO. 3

On page 1, line 7, after "reenacted" insert "and R.S. 47:6007.1 is hereby enacted"

AMENDMENT NO. 4

On page 5, between lines 8 and 9, insert the following:

§6007.1. Motion picture distribution company investor tax credit

A. Definitions. For purposes of this Section:

(1) "Institutional investor" means a person that is:

(a) A plan or trust established and maintained by the United States Government, a state, or a political subdivision of a state for the benefit of its respective employees.

(b) An investment company that is registered under the Investment Company Act of 1940.

(c) A Collective Investment Trust organized by a bank under Part Nine of the rules of the Comptroller of the Currency.

(d) A closed end investment trust registered with the United States Securities and Exchange Commission.

(e) A mutual fund.

(f) A life insurance company or property and casualty insurance company.

(g) A federal or state bank.

(h) An investment advisor registered under the Investment Advisors Act of 1940.

(2) "Motion picture" means a nationally distributed feature-length film, video, television series, or commercial made in Louisiana, in whole or in part for theatrical or television viewing or as a

Page 6 SENATE

June 11, 2002

19th DAY'S PROCEEDINGS

television pilot. The term "motion picture" shall not include the production of television coverage of news and athletic events.

(3) "Motion picture distribution company" means a juridical person which has its principal place of business in Louisiana and which is engaged in the business of acquiring and distributing motion pictures nationally or internationally.

B.(1) There shall be allowed a credit against any Louisiana income tax for taxpayers who invest in a motion picture distribution company. The credit shall be five percent of the taxpayer's investment in such motion picture distribution company. Private investors shall invest a minimum of ten thousand dollars in a motion picture distribution company to qualify for the credit. Institutional investors shall invest a minimum of one hundred thousand dollars to qualify for the credit.

(2) In the event that the entire credit cannot be used in the year earned, the credit may be applied against income tax liabilities for the subsequent ten years.

C. Recapture of credits. If the Louisiana Film Commission and the Department of Economic Development find that funds for which an investor received credits according to this Section are not invested in and expended with respect to a motion picture distribution company within twelve months of the date that such credits are earned, then the investor's state income tax for such taxable period shall be increased by the amount necessary for the recapture of the credit provided for in this Section. Such credit may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December thirty-first of the year in which the twelve-month investment period specified in this Subsection ends.

D. The secretary of the Department of Revenue, in consultation with the Louisiana Film Commission, shall promulgate such rules and regulations, in accordance with the Administrative Procedure Act, as are necessary for the implementation and administration of the credit provided for in this Section.

* * *

AMENDMENT NO. 5

On page 7, line 21, after "Section 2." delete "This" and insert "The provisions of R.S. 47:6007.1 and enacted by this Act shall become effective for all taxable years beginning after December 31, 2002. The remaining provisions of this"

Senator B. Jones moved to reject the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux	Michot
Bean	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Chaisson	Irons	Tarver

Cravins	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dean	Jones, C	Ullio
Dupre	Lambert	
Ellington	Lentini	
Total—37		

NAYS

Malone
Total—1

ABSENT

Heitmeier
Total—1

The Chair declared the amendments proposed by the House were rejected. Senator B. Jones moved to reconsider the vote by which the amendments were rejected and laid the motion on the table.

SENATE BILL NO. 39— BY SENATOR ROMERO

AN ACT

To enact R.S. 47:305(I), relative to sales and use tax; to provide for exemptions from state and local sales and use taxes for repairs, and materials used therefore, on drilling rigs and equipment used exclusively for exploration and development of minerals outside the territorial limits of the state in Outer Continental Shelf waters; to provide definitions; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Ways and Means to Reengrossed Senate Bill No. 39 by Senator Romero

AMENDMENT NO. 1

On page 2, between lines 9 and 10, insert:

"Section 2. The provisions of this Act shall be applicable, operable, and effective notwithstanding the provisions of the Act of the 2002 Regular Session of the Legislature which originated as House Bill No. 169 or any other Act of such session making certain sales tax exemptions inapplicable, inoperable, and of no effect."

AMENDMENT NO. 2

On page 2, line 10, change "Section 2." to Section 3."

Senator Romero moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
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Bajoie	Gautreaux	Marionneaux
Barham	Hines	Michot
Bean	Holden	Mount
Boissiere	Hollis	Romero
Cain	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—35		

NAYS

Campbell	Fields
Total—2	

ABSENT

Heitmeier	McPherson
Total—2	

The Chair declared the amendments proposed by the House were concurred in. Senator Romero moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

SENATE BILL NO. 49—

BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 47:3204(E) and 4302(D), and R.S. 51:1787(I), relative to legislating with regard to tax credits and exemptions; to provide a method for the collection of amounts of exemption granted under certain tax equalization and manufacturing exemption contracts; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Hammett to Reengrossed Senate Bill No. 49 by Senator B. Jones

AMENDMENT NO. 1

On page 2, line 8, delete ", or for any"

AMENDMENT NO. 2

On page 2, line 9, delete "other cause,"

AMENDMENT NO. 3

On page 2, line 10, after "exempted", insert: for the year in which the violation occurred, and for each year thereafter in which the violation is not remedied,

AMENDMENT NO. 4

On page 2, line 11, delete "exemption was received" and insert "violation occurred, and for each year thereafter in which an exemption is used and the violation is not remedied"

AMENDMENT NO. 5

On page 3, line 6, after "exempted" insert: for the year in which the violation occurred, and for each year thereafter in which the violation is not remedied

AMENDMENT NO. 6

On page 3, line 7, delete "exemption was received" and insert "violation occurred, and for each year thereafter in which an exemption is used and the violation is not remedied"

AMENDMENT NO. 7

On page 3, line 20, after "granted" delete the remainder of the line and delete line 21 and insert "then the amount of the credit"

AMENDMENT NO. 8

On page 3, line 22, delete "rebated" and insert: for the year in which the violation occurred, and for each year thereafter in which the violation is not remedied

AMENDMENT NO. 9

On page 3, line 23, delete "rebate was received" and insert "violation occurred, and for each year thereafter in which a credit is used and the violation is not remedied,"

Senator B. Jones moved to concur in the amendments proposed by the House.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Dupre	Lambert	Ullo
Ellington	Lentini	
Total—38		

NAYS

Total—0

ABSENT

Heitmeier
Total—1

The Chair declared the amendments proposed by the House were concurred in. Senator B. Jones moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

Rules Suspended

Senator Romero asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Romero asked that Senate Bill No. 53 be called from the Calendar at this time.

SENATE BILL NO. 53—

BY SENATOR ROMERO

AN ACT

To enact R.S. 47:301(16)(i), (24) and (25), relative to state and local sales and use tax; to define tangible personal property to exclude certain digital broadcasting conversion equipment; to provide a tax credit for the purchase of certain equipment; to provide an effective date; and to provide for related matters.

On motion of Senator Romero, the bill was read by title and withdrawn from the files of the Senate.

Called from the Calendar

Senator Boissiere asked that Senate Bill No. 87 be called from the Calendar at this time.

SENATE BILL NO. 87(Substitute for Senate Bill No. 66 by Senator Boissiere)—

BY SENATOR BOISSIERE

AN ACT

To amend and reenact R.S. 22:1068(E)(1), (2)(d), and (3), R.S. 51:1923(1), (5), and (6)(a)(i), 1924(B) and (D)(1), (2), (5), and (E) and (F), 1926(A)(1), (2), (3)(a), and (H)(3), 1927.1, 1928(B)(2) and (C)(3), and 1931, and to enact R.S. 51:1923(11), (12), (13), (14), (15), (16), (17), (18), (19) and (20), 1926(A)(4), 1927.2, 1928(B)(3), 1934(C), and 1935(C), relative to the certified capital companies; to provide for the determination of the amount of tax credits available to certified capital companies; to provide for qualified investments by certified capital companies; to define certain terms; to provide for allocation of certified capital for which tax credits are allowed; to provide for carry forward of tax credits; to provide for the transfer or sale of income or premium tax credits; to provide for annual audits following decertification of investment pools; to require annual reports to the legislature; to provide for disclosure of information concerning certified capital companies; and to provide for related matters.

On motion of Senator Boissiere, the bill was read by title and withdrawn from the files of the Senate.

Rules Suspended

Senator Lentini asked for and obtained a suspension of the rules for the purpose of taking up at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 33—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact Code of Criminal Procedure Article 895.4, relative to crime stoppers organizations; to provide for an additional cost of court to be imposed on offenders convicted of criminal and traffic violations; to provide for the payment of the funds derived from the additional cost of court to crime stopper organizations; to provide for the use of those funds; and to provide for related matters.

The bill was read by title. Senator Lentini moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fontenot	Malone
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dean	Jones, C	Thomas
Dupre	Lambert	
Ellington	Lentini	
Total—34		

NAYS

Fields	Ullo
Total—2	

ABSENT

Mr. President	Irons	Marionneaux
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Lentini moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Hainkel asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Resolutions

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 48—

BY SENATOR HAINKEL

A RESOLUTION

To commend and congratulate Senate Chief Security Officer Donald L. Chaney and Jude Laurent Chaney upon the occasion of their 50th wedding anniversary on June 30, 2002.

On motion of Senator Hainkel, the resolution was read by title and adopted.

Regular Order of the Day Resumed**Special Order of the Day**

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

HOUSE BILL NO. 2 —

BY REPRESENTATIVES HAMMETT AND LEBLANC AND SENATORS BARHAM AND DARDENNE

AN ACT

To provide with respect to the capital outlay budget and the capital outlay program for state government, state institutions, and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; and to provide for related matters.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Barham and Dardenne to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 4 and 5 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 2

On page 8, delete lines 27 through 37, and insert:

"(5) Technical College Campus Buildings
Major Repairs, Equipment Replacement
and Site Work, Planning and Construction

(Statewide)

Payable from General Obligation Bonds

Priority 1 \$2,000,000

Priority 2 \$6,000,000

Priority 5 \$10,000,000

Total \$18,000,000"

AMENDMENT NO. 3

Delete Senate Committee Amendment No. 2 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 4

Delete Senate Committee Amendment Nos. 13 and 14 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 5

On page 19, delete lines 21 through 30, and insert:

"(61) Longfellow Evangeline State Historic Site

Visitor Center/Farmstead, Planning and

Construction

(St. Martin)

Payable from General Obligation Bonds

Priority 1 \$140,000

Priority 2 \$300,000

Priority 5 \$1,475,000

Total \$1,915,000"

AMENDMENT NO. 6

Delete Senate Committee Amendment No. 15 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 7

On page 20, delete lines 11 through 18, and insert:

"(69) Cypremort Point State Park Vacation

Cabins, Planning and Construction

(St. Mary)

Payable from General Obligation Bonds

Priority 1 \$1,915,000

Priority 2 \$200,000

Total \$2,115,000"

AMENDMENT NO. 8

Delete Senate Committee Amendment Nos. 16 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 9

On page 20, delete lines 26 through 33, and insert:

"(1042) Fort St. Jean Baptiste State Historic Site,

Exhibit Design and Construction, and Furnishings

(Natchitoches)

Payable from General Obligation Bonds

Priority 1 \$270,000

Priority 2 \$195,000

Page 10 SENATE

June 11, 2002

19th DAY'S PROCEEDINGS

Total \$465,000"

AMENDMENT NO. 10

Delete Senate Committee Amendment No. 11 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 11

On page 25, delete line 19, and insert the following:

"Priority 1	\$5,240,000
Priority 2	\$200,000
Priority 5	<u>\$1,780,000</u>
Total	<u>\$7,220,000"</u>

AMENDMENT NO. 12

Delete Senate Committee Amendment No. 15 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 13

Delete Senate Committee Amendment No. 21 and No. 22 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 14

On page 35, delete lines 39 through 44, and insert the following:

"Nonrecurring Revenues	\$2,300,000
Payable from General Obligation Bonds	
Priority 5	<u>\$20,200,000</u>
Total	<u>\$22,500,000"</u>

AMENDMENT NO. 15

On page 61, delete line 12, and insert "Campus Development"

AMENDMENT NO. 16

Delete Senate Committee Amendment No. 30 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 17

On page 63, delete lines 33 through 36, and insert:

"(1238)	Digital Teleplex
	(Orleans)
	Payable from General Obligation Bonds
	Priority 2
	<u>\$ 1,250,000"</u>

AMENDMENT NO. 18

Delete Senate Committee Amendment No. 34 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 19

Delete Senate Committee Amendment No. 37 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 20

On page 66, between lines 25 and 27, insert the following:

"36/L13 PONTCHARTRAIN LEVEE DISTRICT

(508)	Bayou Manchac Flood Damage
	Reduction and Ecosystem Restoration
	Feasibility Study
	(Non-State and/or Federal Match Required)
	(Ascension, East Baton Rouge, Iberville)
	Payable from State General Fund (Direct) -
	Nonrecurring Revenues
	\$500,000
	Payable from General Obligation Bonds
	Priority 3
	<u>\$ 1,300,000</u>
	Total
	<u>\$ 1,800,000"</u>

AMENDMENT NO. 21

On page 70, delete lines 39 through 43

AMENDMENT NO. 22

Delete Senate Committee Amendment No. 52 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 23

Delete Senate Committee Amendment No. 40 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 24

On page 72, between lines 29 and 30, insert the following:

"()	Concordia Parish Airport Overlay
	(Local Match Required)
	(Concordia)
	Payable from State General Fund (Direct) -
	Nonrecurring Revenue\$ 50,000
	Payable from General Obligation Bonds
	Priority 2
	<u>\$50,000</u>
	Total
	<u>\$ 100,000"</u>

AMENDMENT NO. 25

Delete Senate Committee Amendment No. 61 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 26

Delete Senate Committee Amendment No. 41 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 27

On page 74, delete lines 18 through 21, and insert the following:

"Nonrecurring Revenues	\$480,000
Payable from General Obligation Bonds	
Priority 1	\$210,000
Priority 3	<u>\$965,000</u>
Total	<u>\$1,655,000"</u>

AMENDMENT NO. 28

Delete Senate Committee Amendment No. 71 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 29

Delete Senate Committee Amendment No. 72 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 30

Delete Senate Committee Amendment No. 49 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 31

On page 76, delete lines 42 and 43 and insert the following:

"50/J28 LAFAYETTE PARISH

(1320)	Governmental Complex at Building 1, Phase 1 of Renovation and Expansion, Planning and Construction (\$810,000 Non-State Match) (Lafayette) Payable from State General Fund (Direct) - Nonrecurring Revenues	\$300,000
	Payable from General Obligation Bonds	
	Priority 2	\$510,000
	Total	<u>\$810,000"</u>

AMENDMENT NO. 32

Delete Senate Committee Amendment No. 94 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 33

Delete Senate Committee Amendment No. 51 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 34

On page 84, between lines 20 and 21, insert the following:

"(710)	Haas Road Detention Pond, Acquisition and Construction (\$40,000 In-Kind Local Match) (St. Tammany) Payable from State General Fund (Direct) - Nonrecurring Revenues\$	250,000
	Payable from General Obligation Bonds	
	Priority 2	\$250,000
	Priority 3	\$480,000
	Total	<u>\$980,000"</u>

AMENDMENT NO. 35

On page 88, line 20, change "(1246)" to "(891)"

AMENDMENT NO. 36

Delete Senate Committee Amendment No. 110 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 37

Delete Senate Committee Amendment No. 116 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 38

Delete Senate Committee Amendment No. 53 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 39

On page 91, between lines 31 and 32, insert the following:

"50/M45 CHURCH POINT

(770)	Le Vieux Presbytere Cultural Center Renovation (Non-State Match Required) (Acadia) Payable From State General Fund (Direct) - Nonrecurring Revenues\$	200,000
	Payable from General Obligation Bonds	
	Priority 2	\$ 120,000
	Total	<u>\$320,000"</u>

AMENDMENT NO. 40

On page 91, delete lines 42 through 47.

AMENDMENT NO. 41

In the Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002, in Amendment No. 123 on page 24, line 5, change "between lines 20 and 21" to "delete lines 19 through 23"

AMENDMENT NO. 42

Delete Senate Committee Amendment No. 129 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 43

Delete Senate Committee Amendment No. 166 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 44

Delete Senate Committee Amendment No. 65 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 45

On page 105, between lines 36 and 37, insert the following:

"50/MT5 THIBODAUX

(910)	LA 3107 Talbot Avenue, Reconstruction and Engineering (\$102,600 Local Match) (Lafourche) Payable from State General Fund (Direct) - Nonrecurring Revenues	\$130,000
	Payable from General Obligation Bonds	
	Priority 2	\$450,000
	Total	<u>\$580,000"</u>

Page 12 SENATE

June 11, 2002

19th DAY'S PROCEEDINGS

AMENDMENT NO. 46

Delete Senate Committee Amendment No. 172 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 47

Delete Senate Committee Amendment No. 66 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 48

On page 107, after line 48, insert the following:

"(1313) Louisiana Political Hall of Fame
and Museum, Planning and Construction
(Local Match Required)
(Winn)
Payable from State General Fund (Direct) -
Nonrecurring Revenues \$150,000
Payable from General Obligation Bonds
Priority 5 \$220,000
Total \$370,000"

AMENDMENT NO. 49

Delete Senate Committee Amendment No. 173 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 50

Delete Senate Committee Amendment No. 67 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 51

On page 108, between lines 1 and 2, insert the following:

"(932) Museum Renovations, Planning
and Construction (Local Match
Required)
(Franklin)
Payable from State General Fund (Direct) -
Nonrecurring Revenues \$80,000
Payable from General Obligation Bonds
Priority 2 \$80,000
Total \$160,000"

AMENDMENT NO. 52

Delete Senate Committee Amendment No. 200 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 53

Delete Senate Committee Amendment No. 70 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 54

On page 117, delete lines 37 and 38 and insert the following:

"Payable from State General Fund (Direct) -
Nonrecurring Revenues \$50,000
Payable from General Obligation Bonds
Priority 1 \$2,500,000

Priority 2 \$1,000,000
Total \$3,550,000"

AMENDMENT NO. 55

Delete Senate Committee Amendment No. 215 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 56

Delete Senate Committee Amendment No. 72 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 57

On page 121, between lines 32 and 33, insert the following:

"50/NQ5 SCHEPIS FOUNDATION, INC.

(1017) Schepis Building Renovation
(Match Required)
(Caldwell)
Payable from State General Fund (Direct) -
Nonrecurring Revenues \$250,000
Payable from General Obligation Bonds
Priority 2 \$250,000
Total \$500,000"

AMENDMENT NO. 58

Delete Senate Committee Amendment No. 155 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 59

On page 123, between lines 31 and 32, insert the following:

**"50/ MERCY ENDEAVORS SENIOR CITIZEN
ELDERLY RESOURCE CENTER**

() Irish Channel-St. Andrews Street Elderly
Resource Center, Design, Planning, Renovation
and Construction (25% Local Match)
(Orleans)
Payable from General Obligation Bonds
Priority 2 \$200,000
Priority 5 \$500,000
Total \$700,000"

On motion of Senator Barham, the amendments were adopted.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Barham and Bajoie to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 123, between lines 31 and 32, insert the following:

“50/ NATIONAL D-DAY MUSEUM

()	National D-Day Museum Expansion, Design, Planning, Acquisition, and Construction (Non-State Match, 52%; Federal Funds, 30.5%) (Orleans) Payable from General Obligation Bonds	
	Priority 2	\$2,000,000
	Priority 5	\$13,000,000
	Total	<u>\$15,000,000</u>

On motion of Senator Barham, the amendments were adopted.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment No.163 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 2

On page 104, delete line 27, and insert:

"	Priority 2	\$500,000
	Priority 5	\$13,350,000
	Total	<u>\$13,850,000</u>

On motion of Senator Barham, the amendments were adopted.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 67, delete lines 42 and 43, and insert:

“Priority 2	\$500,000”
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On motion of Senator Barham, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Barham and Dardenne to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 2 and 3 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 2

On page 7, line 39, change "\$3,490,043" to "\$2,031,043"

AMENDMENT NO. 3

On page 8, line 13, change "\$23,939,767" to "\$22,480,767"

AMENDMENT NO. 4

On page 9, line 6, change "\$1,491,000" to "\$991,000"

AMENDMENT NO. 5

Delete Senate Committee Amendment No. 23 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 6

Delete Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 7

On page 10, line 4, change "\$3,000,000" to "\$1,000,000"

AMENDMENT NO. 8

Delete Senate Committee Amendment No. 11 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 9

On page 16, line 21, change "\$15,000,000" to "\$8,700,000"

AMENDMENT NO. 10

On page 29, line 20, change "\$2,280,628" to "\$1,780,628"

On motion of Senator Dardenne, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 71, delete lines 1 through 6 in their entirety

AMENDMENT NO. 2

On page 93, delete line 15 and insert:

"The capital outlay budget request for this project was submitted after the November 1st deadline, but it has been approved by the

Page 14 SENATE

June 11, 2002

19th DAY'S PROCEEDINGS

Department of Economic Development pursuant to the provisions of R.S. 39:112.

() Industrial Park Land Acquisition,
Planning and Construction
(Beauregard)
Payable from State General Fund (Direct) -
Nonrecurring Revenue \$100,000

The capital outlay budget request for this project was submitted after the November 1st deadline, but it has been approved by the Department of Economic Development pursuant to the provisions of R.S. 39:112."

AMENDMENT NO. 3

On page 116, line 22, change "\$200,000 to "\$155,000"

AMENDMENT NO. 4

On page 116, line 28, change "\$7,420,000" to "\$7,375,000"

AMENDMENT NO. 5

On page 123, between lines 15 and 16, insert:

"50/NT1 LOUISIANA MEDAL OF HONOR PARK AND MUSEUM

(1372) Louisiana Medal of Honor Park
and Museum,
Planning and Construction
(Plaquemines)
Payable from State General Fund (Direct) -
Nonrecurring Revenues \$45,000

The capital outlay budget request for this project was submitted after the November 1st deadline, but it has been approved by the Department of Economic Development pursuant to the provisions of R.S. 39:112."

On motion of Senator Dardenne, the amendments were adopted.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 111, delete lines 15 through 17, and insert the following:

"Priority 2	\$150,000
Priority 3	\$450,000
Priority 4	\$550,000
Priority 5	<u>\$350,000"</u>

AMENDMENT NO. 2

On page 111, delete lines 22 through 25, and insert the following:

"Priority 2	\$100,000
Priority 3	\$550,000
Priority 4	\$450,000
Priority 5	<u>\$400,000"</u>

AMENDMENT NO. 3

On page 111, delete lines 31 through 34 and insert the following:

"Priority 2	\$ 200,000
Priority 3	\$1,200,000
Priority 4	\$1,200,000
Priority 5	<u>\$ 300,000"</u>

On motion of Senator Dardenne, the amendments were adopted.

Floor Amendments Sent Up

Senator Hainkel sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hainkel to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 177 and 178 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 2

On page 109, delete lines 16 through 26, and insert:

"50/N03 AUDUBON PARK COMMISSION

(942) Audubon 2000 Renovations, Planning
and Construction (\$15,000,000 Local Match)
(Orleans)
Payable from General Obligation Bonds

Priority 1	\$10,000,000
Priority 3	\$500,000
Priority 4	\$500,000
Priority 5	<u>\$5,000,000</u>
Total	<u>\$16,000,000</u>

Provided, however, that funds within this appropriation shall not be expended for the design or construction of Mike the Tiger habitat at Louisiana State University-Baton Rouge."

On motion of Senator Hainkel, the amendments were adopted.

Mr. President in the Chair

Floor Amendments Sent Up

Senator Cain sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Cain and Theunissen to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

In the Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002, in Amendment No. 48 on page 10, line 22, change "\$500,000" to "\$400,000" and on line 23, change "\$1,000,000" to "\$900,000"

AMENDMENT NO. 2

In the Senate Committee Amendments proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002, in Amendment No. 13 on page 3, line 32, change "\$250,000" to "\$350,000" and on line 33, change "\$1,250,000" to "\$1,350,000"

On motion of Senator Cain, the amendments were adopted.

Floor Amendments Sent Up

Senator Romero sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Romero to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 81, delete lines 29 through 31, and insert the following:

"Priority 5	<u>\$200,000</u>
Total	<u>\$300,000"</u>

AMENDMENT NO. 2

On page 81, delete lines 40 and 41, and insert the following:

"Priority 5	<u>\$ 400,000</u>
Total	<u>\$7,160,000"</u>

AMENDMENT NO. 3

On page 81, between lines 41 and 42, insert the following:

"(670)	Courthouse Improvements	
	Expansion and Renovations	
	Payable from General Obligation Bonds	
	Priority 2	\$370,000
	Priority 5	<u>\$300,000</u>
Total		<u>\$670,000"</u>

AMENDMENT NO. 4

On page 82, delete lines 19 through 21, and insert the following:

"Priority 5	<u>\$400,000"</u>
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On motion of Senator Romero, the amendments were adopted.

Floor Amendments Sent Up

Senator Malone sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Malone to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 67, between lines 5 and 6, insert:

"Priority 2	\$150,000"
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AMENDMENT NO. 2

On page 67, delete line 8, and insert:

"Total	<u>\$4,150,000"</u>
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On motion of Senator Malone, the amendments were adopted.

Floor Amendments Sent Up

Senator Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Gautreaux to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 89 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 2

On page 83, line 40, after "Construction" insert "(\$125,000 Local Match)"

On motion of Senator Gautreaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Gautreaux to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 91 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 2

On page 84, between lines 3 and 4, insert "(\$200,000 Local Match)"

On motion of Senator Gautreaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Gautreaux to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 90 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 2

On page 83, after line 50, insert the following:

"(699) Waterline Replacement Garrett Plantation to North Bend, Across Wax Lake Outlet, St. Mary Parish Waterworks District 5, Planning and Construction (\$500,000 Federal Match) (St. Mary) Payable from General Obligation Bonds

Priority 2	\$380,000
Priority 3	<u>\$500,000</u>
Total	<u>\$880,000"</u>

On motion of Senator Gautreaux, the amendments were adopted.

Floor Amendments Sent Up

Senator Irons sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Irons and Marionneaux to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 36 proposed by the Senate Committee on Finance and adopted by the Senate on June 10, 2002.

AMENDMENT NO. 2

On page 16, delete lines 5 through 7, and insert:

"Nonrecurring Revenues	\$9,500,000
Payable from General Obligation Bonds	
Priority 5	<u>\$20,500,000"</u>

AMENDMENT NO. 3

On page 64, delete line 5 and insert:

"Nonrecurring Revenues	\$12,500,000
Payable from General Obligation Bonds	
Priority 5	<u>\$2,500,000"</u>

Senator Irons moved adoption of the amendments.

Senator Dardenne objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields	Marionneaux
Boissiere	Gautreaux	McPherson
Campbell	Hines	Michot
Chaisson	Holden	Romero
Cravins	Hoyt	Smith
Dean	Irons	Theunissen
Dupre	Johnson	Thomas
Ellington	Jones, C	Ullo
Total—24		

NAYS

Mr. President	Fontenot	Lentini
Barham	Heitmeier	Malone
Bean	Hollis	Mount
Cain	Jones, B	Schedler
Dardenne	Lambert	Tarver
Total—15		

ABSENT

Total—0

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator Fields sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Fields to Reengrossed House Bill No. 2 by Representative Hammett, et al

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 192 proposed by the Senate Committee on Revenue and Fiscal Affairs and adopted by the Senate on June 6, 2002.

AMENDMENT NO. 2

On page 113, delete lines 7 through 10 and insert the following:

"Priority 2	\$800,000
Priority 3	\$400,000
Priority 4	\$400,000
Priority 5	<u>\$1,400,000"</u>

Senator Fields moved adoption of the amendments.

Senator Barham objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Dupre	Irons
Boissiere	Fields	Johnson
Cain	Fontenot	Jones, C
Campbell	Gautreaux	Marionneaux
Chaisson	Hines	McPherson
Cravins	Holden	Thomas
Total—18		

NAYS

Mr. President	Hollis	Romero
Barham	Hoyt	Schedler
Bean	Jones, B	Smith
Dardenne	Lambert	Tarver
Dean	Malone	Theunissen
Ellington	Michot	Ullo
Heitmeier	Mount	
Total—20		

ABSENT

Lentini
Total—1

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Re-reengrossed House Bill No. 2 by Representative Hammett

AMENDMENT NO. 1

On page 97, between lines 13 and 14, insert the following:

"()	Town Hall, Design, Planning and Construction	
	(\$250,000 Local Match)	
	(Pointe Coupee)	
	Payable from General Obligation Bonds	
	Priority 2	\$250,000
	Priority 5	\$250,000
	Total	<u>\$500,000"</u>

Senator Marionneaux moved adoption of the amendments.

Senator Barham objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fields	Jones, C
Campbell	Fontenot	Marionneaux
Chaisson	Hines	McPherson
Cravins	Holden	Thomas
Dupre	Johnson	
Total—14		

NAYS

Mr. President	Heitmeier	Romero
Barham	Hollis	Schedler
Bean	Hoyt	Smith
Cain	Jones, B	Tarver
Dardenne	Lentini	Theunissen
Dean	Malone	Ullo
Ellington	Michot	
Gautreaux	Mount	
Total—22		

ABSENT

Boissiere
Total—3

Irons
Lambert

The Chair declared the amendments were rejected.

The bill was read by title. Senator Barham moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Bean	Hines	Michot
Boissiere	Holden	Mount
Cain	Hollis	Romero
Campbell	Hoyt	Schedler
Chaisson	Irons	Smith
Cravins	Johnson	Tarver
Dardenne	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Total—38		

NAYS

Dean
Total—1

ABSENT

Total—0

The Chair declared the amended bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Barham asked for and obtained a suspension of the rules for the purpose of taking up at this time.

House Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following House Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Barham asked that House Bill No. 3 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 3—

BY REPRESENTATIVE HAMMETT AND SENATOR BARHAM
AN ACT

To enact the Omnibus Bond Authorization Act of 2002, relative to the implementation of a five-year capital improvement program; to provide for the repeal of certain prior bond authorizations; to provide for new bond authorizations; to provide for authorization and sale of such bonds by the State Bond Commission; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Malone
Bajoie	Gautreaux	Marionneaux
Barham	Heitmeier	McPherson
Bean	Hines	Michot
Boissiere	Holden	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo
Fields	Lentini	
Total—38		

NAYS

Total—0

ABSENT

Cain
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Appointment of Conference Committee on Senate Bill No. 31

The President of the Senate appointed the following members to confer with a like committee from the House for the purpose of considering the disagreement on Senate Bill No. 31: Senators B. Jones, Barham and Hainkel.

Appointment of Conference Committee on House Bill No. 197

The President of the Senate appointed on the Conference Committee on House Bill No. 197 the following members of the Senate: Senators Johnson, Bajoie and Boissiere.

Appointment of Conference Committee on House Bill No. 244

The President of the Senate appointed on the Conference Committee on House Bill No. 244 the following members of the Senate: Senators Romero, Theunissen and McPherson.

Recess

On motion of Senator Lambert, the Senate took a recess until 2:00 o'clock P.M.

After Recess

The Senate was called to order at 2:00 o'clock P.M. by the President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fields	Lentini
Bajoie	Fontenot	Malone
Barham	Gautreaux	Marionneaux
Bean	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Schedler
Cravins	Irons	Smith
Dardenne	Johnson	Tarver
Dean	Jones, B	Theunissen
Dupre	Jones, C	Thomas
Ellington	Lambert	Ullo

Total—39

ABSENT

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

Senate Business Resumed

Rules Suspended

Senator Heitmeier asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Resolutions

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 49—

BY SENATOR HEITMEIER

A RESOLUTION

To urge and request the Board of Regents to address the establishment of graduate, undergraduate, and continuing education programs in Maritime and Intermodal Transportation Science.

On motion of Senator Heitmeier, the resolution was read by title and adopted.

Regular Order of the Day Resumed

Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

HOUSE BILL NO. 31—

BY REPRESENTATIVE STELLY

A JOINT RESOLUTION

Proposing to amend Article VII, Section 4(A) and to add Article VII, Section 2.2 of the Constitution of Louisiana, relative to the limitations on the power of taxation; to provide for the limitation of the rates and brackets for the individual income tax; to prohibit the imposition of state sales and use tax on certain items; to provide for the submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Bean sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Bean to Engrossed House Bill No. 31 by Representative Stelly

AMENDMENT NO. 1

On page 2, line 5, after "Natural gas." insert "propane"

AMENDMENT NO. 2

On page 2, line 14, after "Natural gas." insert "propane"

AMENDMENT NO. 3

On page 2, line 24, after "natural gas." insert "propane"

AMENDMENT NO. 4

On page 3, line 27, after "natural gas." insert "propane"

AMENDMENT NO. 5

On page 4, line 4, after "natural gas." insert "propane"

Senator Bean moved adoption of the amendments.

Senator Dardenne objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Cravins	Malone
Barham	Ellington	McPherson
Bean	Fontenot	Tarver
Cain	Heitmeier	Ullo
Campbell	Lentini	
Total—14		

NAYS

Bajoie	Hollis	Michot
Boissiere	Hoyt	Mount
Chaisson	Irons	Romero
Dardenne	Johnson	Schedler
Dean	Jones, B	Smith
Holden	Marionneaux	Theunissen
Total—18		

ABSENT

Dupre	Hines	Thomas
Fields	Jones, C	
Gautreaux	Lambert	
Total—7		

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Campbell sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Campbell, McPherson, and Cravins to Engrossed House Bill No. 31 by Representative Stelly

AMENDMENT NO. 1

On page 1, line 2, change "Section 4(A)" to "Sections 4(A), (B), and (C)"

AMENDMENT NO. 2

On page 1, lines 2 and 3, change "Section 2.2" to "Sections 4(F) and 2.2 and to repeal Article IX, Section 9"

AMENDMENT NO. 3

On page 1, line 3, delete "limitations on the"

AMENDMENT NO. 4

On page 1, line 6, between "items;" and "to provide" insert the following: "to authorize the legislature to levy a tax on the use of hydrocarbon processing facilities; to provide for repeal of certain severance taxes;"

AMENDMENT NO. 5

On page 1, line 12, between "proposal" and "to amend" insert the following: "to repeal Article IX, Section 9 of the Constitution of Louisiana and"

AMENDMENT NO. 6

On page 1, line 12, change "Section 4(A)" to "Sections 4(A), (B), and (C)"

AMENDMENT NO. 7

On page 1, line 13, change "Section 2.2" to "Sections 4(F) and 2.2"

AMENDMENT NO. 8

On page 3, line 1, between "Severance Tax;" and "Political" insert the following:

"Hydrocarbon Processing Facilities Use Tax;"

AMENDMENT NO. 9

On page 3, between lines 9 and 10, insert the following:

"(B) Severance Tax. Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation. Such taxes may be predicated upon either the quantity or value of the products at the time and place of severance.

No further or additional tax or license shall be levied or imposed upon oil, gas, or sulphur leases or rights except for a tax on the use of hydrocarbon processing facilities provided for in Paragraph (F) of this Section. No additional value shall be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. However, sulphur in place shall be assessed for ad valorem taxation to the person, firm, or corporation having the right to mine or produce the same in the parish where located, at no more than twice the total assessed value of the physical property subject to taxation, excluding the assessed value of sulphur above ground, as is used in sulphur operations in such parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall be liable equally with the land on which it stands for ad valorem taxes levied on the land.

(C) Political Subdivisions; Prohibitions. A political subdivision of the state shall not levy a severance tax, a tax on the use of

hydrocarbon processing facilities, income tax, inheritance tax, or tax on motor fuel.

* * *

(F) Hydrocarbon Processing Facilities Use Tax. Taxes may be levied upon the use of hydrocarbon processing facilities in Louisiana at a rate not to exceed three percent of the value of the hydrocarbon as provided by law; however, in the event such tax is levied and collected on hydrocarbons and the tax is determined to be valid by a final, non-appealable judgment or as otherwise provided by law, no severance tax provided for in Subsection B shall be levied on oil and gas.

* * *"

AMENDMENT NO. 10

On page 4, line 5, after "drugs" change the period "." to a semicolon ";" and add the following: "to authorize the levy of a tax on the use of hydrocarbon processing facilities in Louisiana; to prohibit the levy of severance tax if a processing tax is levied and collected."

AMENDMENT NO. 11

On page 4, line 5, change "Section 4(A)" to "Sections 4(A), (B), and (C)"

AMENDMENT NO. 12

On page 4, line 6, change "Section 2.2" to "Sections 4(F) and 2.2; repeals Article IX, Section 9"

Senator Campbell moved adoption of the amendments.

Senator Dardenne objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Hines	Marionneau
Campbell	Holden	McPherson
Cravins	Johnson	Tarver
Fields	Jones, C	
Total—11		

NAYS

Bajoie	Fontenot	Michot
Barham	Gautreaux	Mount
Bean	Heitmeier	Romero
Boissiere	Hollis	Schedler
Cain	Hoyt	Smith
Chaisson	Irons	Theunissen
Dardenne	Jones, B	Thomas
Dean	Lambert	Ullo
Dupre	Lentini	
Ellington	Malone	
Total—28		

ABSENT

Total—0

The Chair declared the amendments were rejected.

Senator Lambert in the Chair**Floor Amendments Sent Up**

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Engrossed House Bill No. 31 by Representative Stelly

AMENDMENT NO. 1

On page 1, line 16, change "2003" to "2004"

AMENDMENT NO. 2

On page 2, line 4, change "2003" to "2004"

AMENDMENT NO. 3

On page 2, line 8, change "2003" to "2004"

AMENDMENT NO. 4

On page 2, line 13, change "2003" to "2004"

AMENDMENT NO. 5

On page 3, line 7, change "2003" to "2004"

AMENDMENT NO. 6

On page 3, line 13, change "November 5, 2002" to "October 4, 2003"

AMENDMENT NO. 7

On page 3, line 15, change "2003" to "2004"

AMENDMENT NO. 8

On page 3, line 25, change "2003" to "2004"

AMENDMENT NO. 9

On page 4, line 1, change "2003" to "2004"

AMENDMENT NO. 10

On page 4, at the beginning of line 2, change "2003" to "2004" and after "July 1," change "2003" to "2004"

Senator Heitmeier moved adoption of the amendments.

Senator Dardenne objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Heitmeier	Michot
Cain	Hollis	Romero
Campbell	Irons	Ullo
Cravins	Jones, C	
Fontenot	McPherson	
Total—13		

NAYS

Bajoie
Barham
Bean
Boissiere
Chaisson
Dardenne
Dean
Dupre
Ellington
Total—26

Fields
Gautreaux
Hines
Holden
Hoyt
Johnson
Jones, B
Lambert
Lentini

Malone
Marionneaux
Mount
Schedler
Smith
Tarver
Theunissen
Thomas

ABSENT

Total—0

The Chair declared the amendments were rejected.

Mr. President in the Chair

The bill was read by title. Senator Dardenne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie
Barham
Bean
Boissiere
Campbell
Chaisson
Cravins
Dardenne
Dean
Dupre
Total—29

Ellington
Fields
Gautreaux
Hines
Holden
Hoyt
Irons
Johnson
Jones, B
Jones, C

Lambert
Marionneaux
McPherson
Mount
Schedler
Smith
Tarver
Theunissen
Thomas

NAYS

Mr. President
Cain
Fontenot
Heitmeier
Total—10

Hollis
Lentini
Malone
Michot

Romero
Ullo

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Special Order of the Day

The following House Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 3, was taken up and acted upon as follows:

HOUSE BILL NO. 36—

BY REPRESENTATIVE STELLY

AN ACT

To amend and reenact R.S. 47:32(A), 112(A), 287.445(C), 293(6)(a)(iv) and (7), 295, and 1623(D) and to repeal R.S. 47:112(B) and (C), 293(2) and (6)(a)(i), and 296, relative to the individual income tax; to revise the tax brackets; to repeal the deduction for excess federal itemized deductions; to authorize the secretary of the Department of Revenue to promulgate income tax and withholding tax tables; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Ellington	Lambert
Barham	Fields	Marionneaux
Bean	Gautreaux	McPherson
Boissiere	Hines	Mount
Campbell	Holden	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	
Total—29		

NAYS

Mr. President	Hollis	Romero
Cain	Lentini	Ullo
Fontenot	Malone	
Heitmeier	Michot	
Total—10		

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

House Bills and Joint Resolutions on Third Reading and Final Passage

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 153—

BY REPRESENTATIVES RICHMOND AND MURRAY

AN ACT

To enact R.S. 47:6015, relative to tax credits; to provide for a tax credit from income and corporation franchise taxes for certain

low-income community investments; to provide for an effective date; and to provide for related matters.

On motion of Senator Irons, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 200—

BY REPRESENTATIVES LEBLANC AND DEWITT

AN ACT

To appropriate funds to defray the expenses of the Louisiana Judiciary, including the Supreme Court, Courts of Appeal, District Courts, Criminal District Court of Orleans Parish, and other courts; and to provide for related matters.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 200 by Representative LeBlanc

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 2 and 4 proposed by the Senate Committee on Finance and adopted by the Senate on June 9, 2002.

AMENDMENT NO. 2

On page 3, at the end of line 4, change "722,822" to "722,399"

AMENDMENT NO. 3

On page 3, at the end of line 7, change "6,515,032" to "6,278,815"

AMENDMENT NO. 4

On page 3, at the end of line 14, change "2,513,257" to "2,455,336"

AMENDMENT NO. 5

On page 3, at the end of line 28, change "746,303" to "726,931"

AMENDMENT NO. 6

On page 3, at the end of line 35, change "250,788" to "241,148"

AMENDMENT NO. 7

On page 3, at the end of line 48, change "1,399,122" to "1,376,515"

AMENDMENT NO. 8

On page 4, at the end of line 14, change "140,495" to "137,692"

AMENDMENT NO. 9

On page 4, at the end of line 21, change "4,037,494" to "4,016,851"

AMENDMENT NO. 10

On page 4, at the end of line 27, change "646,512" to "594,447"

AMENDMENT NO. 11

On page 4, at the end of line 29, change "1,756,685" to "1,740,534"

AMENDMENT NO. 12

On page 4, at the end of line 39, change "1,853,800" to "1,836,241"

AMENDMENT NO. 13

On page 4, at the end of line 48, change "26,810,282" to "23,354,881"

AMENDMENT NO. 14

On page 5, at the end of line 31, change "32,552,231 to "29,096,830"

AMENDMENT NO. 15

On page 6, at the end of line 41, change "5,142,119" to "5,138,924"

AMENDMENT NO. 16

On page 6, at the end of line 44, change "7,064,064" to "6,784,264"

AMENDMENT NO. 17

On page 6, at the end of line 47, change "3,692,639" to "3,628,839"

AMENDMENT NO. 18

On page 6, at the end of line 50, change "5,478,572" to "5,369,672"

AMENDMENT NO. 19

On page 7, at the end of line 3, change "5,520,570" to "5,385,270"

AMENDMENT NO. 20

On page 7, at the end of line 6, change "3,831,532" to "3,730,332"

AMENDMENT NO. 21

On page 7, at the end of line 7, change "30,729,496" to "30,037,301"

AMENDMENT NO. 22

On page 9, at the end of line 12, change "16,625,706" to "16,614,606"

AMENDMENT NO. 23

On page 9, at the end of line 17, change "1,268,446" to "1,267,606"

AMENDMENT NO. 24

On page 9, at the end of line 32, change "3,481,340" to "3,186,464"

AMENDMENT NO. 25

On page 9, at the end of line 38, change "296,319" to "296,132"

AMENDMENT NO. 26

On page 9, at the end of line 42, change "304,868" to "293,868"

AMENDMENT NO. 27

On page 9, at the end of line 46, change "197,715" to "194,415"

AMENDMENT NO. 28

On page 10, at the end of line 2, change "23,603,293" to "23,281,990"

AMENDMENT NO. 29

On page 10, at the end of line 14, change "1,177,843" to "1,177,063"

AMENDMENT NO. 30

On page 10, at the end of line 25, change "242,306" to "242,153"

AMENDMENT NO. 31

On page 10, at the end of line 36, change "182,172" to "162,172"

AMENDMENT NO. 32

On page 10, at the end of line 38, change "4,028,130" to "4,007,197"

AMENDMENT NO. 33

On page 10, at the end of line 41, change "1,268,446" to "1,267,606"

AMENDMENT NO. 34

On page 10, at the end of line 43, change "362,413" to "362,173"

AMENDMENT NO. 35

On page 11, at the end of line 3, change "1,731,659" to "1,730,579"

AMENDMENT NO. 36

On page 11, at the end of line 4, change "29,363,082" to "29,019,766"

AMENDMENT NO. 37

On page 11, at the end of line 12, change "1,783,879" to "1,782,681"

AMENDMENT NO. 38

On page 11, at the end of line 16, change "283,101" to "282,911"

AMENDMENT NO. 39

On page 11, at the end of line 17, change "2,066,980" to "2,065,592"

AMENDMENT NO. 40

On page 11, at the end of line 22, change "363,516" to "356,916"

AMENDMENT NO. 41

On page 11, at the end of line 26, change "59,028" to "57,928"

AMENDMENT NO. 42

On page 11, at the end of line 31, change "452,544" to "444,844"

AMENDMENT NO. 43

On page 11, delete lines 32 through 34 in their entirety.

AMENDMENT NO. 44

On page 12, delete lines 29 and 30 in their entirety and insert the following:

"Section 4. The sum of Eleven Million Three Hundred Forty Thousand Ninety-six and No/100 (\$11,340,096.00) Dollars is hereby appropriated out of the State General Fund by Interagency"

AMENDMENT NO. 45

On page 13, line 2, change "(\$2,250,000)" to "(\$2,340,096)" and on page 13, line 4, change "(\$3,600,000)" to "(\$4,000,000)"

On motion of Senator Dardenne, the amendments were adopted.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President

Fields

Lentini

Bajoie	Fontenot	Malone
Barham	Gautreaux	Marionneaux
Bean	Heitmeier	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Campbell	Hollis	Romero
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dupre	Jones, B	Thomas
Ellington	Jones, C	Ullo
Total—36		

NAYS

Dean
Total—1

ABSENT

Lambert
Total—2

Schedler

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Ellington in the Chair

HOUSE BILL NO. 208—

BY REPRESENTATIVES DEWITT, BRUNEAU, LANCASTER, LEBLANC, AND HUNTER AND SENATORS HAINKEL, LAMBERT, BARHAM, DARDENNE, AND ULLO

AN ACT

To appropriate the sum of Fifty-three Million Three Hundred Eighty-five Thousand Eight Hundred Eighty-seven and No/100 (\$53,385,887.00) Dollars, or so much thereof as may be necessary, out of the state general fund and the sum of Three Hundred Fifty Thousand and No/100 (\$350,000.00) Dollars out of the state general fund to provide for the Legislative Auditor Ancillary Enterprise Fund, and the sum of Seven Million Eight Hundred Forty-six Thousand Six Hundred Forty-eight and No/100 (\$7,846,648.00) Dollars out of self-generated funds, to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; and otherwise to provide with respect to the appropriations and allocations herein made.

Floor Amendments Sent Up

Senator Dean sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dean to Engrossed House Bill No. 208 by Representative Dewitt

AMENDMENT NO. 1

On page 3, delete lines 15 and 16 and insert the following: "Twenty-two Million, One Hundred Eighty-Three Thousand One Hundred Forty-Two and No/100 (\$22,183,142.00) Dollars is hereby set aside and"

Senator Dean moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Dean
Total—1

NAYS

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Chaisson	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lentini	
Fields	Malone	
Total—37		

ABSENT

Lambert
Total—1

The Chair declared the amendments were rejected.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Holden	Romero
Cain	Hollis	Schedler
Campbell	Hoyt	Smith
Chaisson	Irons	Tarver
Cravins	Johnson	Theunissen
Dardenne	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lentini	
Fields	Malone	
Total—37		

NAYS

Dean
Total—1

ABSENT

Lambert
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 229—

BY REPRESENTATIVE LEBLANC

AN ACT

To provide with respect to the Revenue Sharing Fund and the allocation and distribution thereof for Fiscal Year 2002-2003; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lentini	
Total—38		

NAYS

Total—0

ABSENT

Lambert
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 243—

BY REPRESENTATIVE LEBLANC

AN ACT

To appropriate funds from certain sources to be allocated to designated agencies and purposes in specific amounts for the making of supplemental appropriations for the funding of said agencies and purposes for the 2001-2002 Fiscal Year; and to provide for related matters.

On motion of Senator Dardenne, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 267 (Substitute for House Bill No. 183 by Representative DeWitt)—

BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 22:1068(E)(1), (2)(d), and (3), R.S. 51:1923(1), (5), and (6)(a)(i), 1924(B) and (D)(1), (2), (5), and (E) and (F), 1926(A)(1), (2), (3)(a), and (H)(3), 1927(A), 1927.1, 1928(B)(2) and (C)(3), and 1931 and to enact R.S. 51:1923(11) through (20), 1924(D)(6), 1926(A)(4), 1927.2, 1928(B)(3), 1934(C), and 1935(C), relative to the certified capital companies; to provide for the determination of the amount of tax credits available to certified capital companies; to provide for qualified investments by certified capital companies; to define certain terms; to provide for allocation of certified capital for which tax credits are allowed; to provide for carry forward of tax credits; to provide for the transfer or sale of income or premium tax credits; to provide for annual audits following decertification of investment pools; to require annual reports to the legislature; to provide for disclosure of information concerning certified capital companies; and to provide for related matters.

On motion of Senator Hollis, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 199—

BY REPRESENTATIVE LEBLANC

AN ACT

To provide for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary funds, or enterprise funds for certain state institutions, officials, and agencies; to provide for appropriation of funds; and to regulate the administration of said funds.

Floor Amendments Sent Up

Senator Dardenne sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dardenne to Reengrossed House Bill No. 199 by Representative LeBlanc

AMENDMENT NO. 1

On page 3, line 10, after "21-800" delete the remainder of the line and insert "OFFICE OF GROUP BENEFITS"

AMENDMENT NO. 2

On page 3, at the beginning of line 12, delete "State Group Benefits Program" and insert "Administration"

AMENDMENT NO. 3

On page 10, line 30, after "appropriations" and before "as" insert ", including reimbursement for federally funded projects,"

On motion of Senator Dardenne, the amendments were adopted.

The bill was read by title. Senator Dardenne moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Campbell	Hollis	Smith
Chaisson	Hoyt	Tarver
Cravins	Irons	Theunissen
Dardenne	Johnson	Thomas
Dean	Jones, B	Ullo
Dupre	Jones, C	
Ellington	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Lambert	Schedler
Total—2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

House Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following House Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Barham asked that House Bill No. 104 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 104—

BY REPRESENTATIVE MONTGOMERY
AN ACT

To amend and reenact R.S. 47:603, relative to the corporation franchise tax; to exclude from borrowed capital certain indebtedness of vehicle, boat, and equipment dealers; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Barham sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Barham to Reengrossed House Bill No. 104 by Representative Montgomery

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 47:" change "603" to the following:

"601, 602, 603, 604, and the introductory paragraph of 606(A) and to repeal R.S. 47:603 effective July 1, 2009., and 606(C)"

AMENDMENT NO. 2

On page 1, line 3, after "exclude" change "from" to "certain" and after "capital" delete the remainder of the line and on line 4, delete "and equipment dealers;" and insert: "included in taxable capital until it is phased out; to phase in a reduction of the tax;"

AMENDMENT NO. 3

On page 1, line 7, change "R.S. 47:603 is" to "R.S. 47:601, 602, 603, 604, and the introductory paragraph of 606(A) are"

AMENDMENT NO. 4

On page 1, between lines 8 and 9, insert:

"§601. Imposition of tax

A.(1) Every domestic corporation and every foreign corporation, exercising its charter, or qualified to do business or actually doing business in this state, or owning or using any part or all of its capital, plant, or any other property in this state, subject to compliance with all other provisions of law, except as otherwise provided for in this Chapter shall pay an annual tax at the rate of ~~\$3.00~~ one dollar and fifty cents for each ~~\$1,000.00; one thousand dollars,~~ or major fraction thereof on the ~~amount of its capital stock, surplus, undivided profits, and borrowed capital, first three hundred thousand dollars of taxable capital and at the rate of three dollars for each one thousand dollars, or major fraction thereof, which exceeds three hundred thousand dollars of taxable capital.~~ amount of its capital stock, surplus, undivided profits, and borrowed capital, first three hundred thousand dollars of taxable capital and at the rate of three dollars for each one thousand dollars, or major fraction thereof, which exceeds three hundred thousand dollars of taxable capital. Taxable capital shall be determined as hereinafter provided; the minimum tax shall not be less than \$10.00 ten dollars per year in any case.

(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, for taxpayers whose taxable capital is equal to or less than five hundred thousand dollars, the tax rate for each one thousand dollars on the first three hundred thousand dollars of taxable capital shall be as follows:

(i) For tax years beginning on or after July 1, 2006 and before July 1, 2007, the tax rate shall be one dollar and fifty cents.

(ii) For tax years beginning on or after July 1, 2007 and before July 1, 2008, the tax rate shall be one dollar.

(iii) For tax years beginning on or after July 1, 2008 and before July 1, 2009, the tax rate shall be fifty cents.

(iv) For tax years beginning on or after July 1, 2009, corporations whose taxable capital is equal to or less than three hundred thousand dollars shall not be subject to the tax imposed by this Chapter.

(b) Notwithstanding the provisions of Paragraph (1) of this Subsection, for taxpayers whose taxable capital is greater than three hundred thousand dollars, but less than or equal to five hundred thousand dollars, the tax rate for each one thousand dollars of taxable capital in excess of three hundred thousand dollars shall be as follows:

(i) For tax years beginning on or after July 1, 2006 and before July 1, 2007, the tax rate shall be three dollars.

(ii) For tax years beginning on or after July 1, 2007 and before July 1, 2008, the tax rate shall be two dollars.

(iii) For tax years beginning on or after July 1, 2008 and before July 1, 2009, the tax rate shall be one dollar.

(iv) For tax years beginning on or after July 1, 2009, corporations whose taxable capital is greater than three hundred thousand dollars, but less than or equal to five hundred thousand dollars shall not be subject to the tax imposed by this Chapter.

(c) Notwithstanding the provisions of Paragraph (1) of this Subsection, for taxpayers whose taxable capital is greater than five hundred thousand dollars, the tax rate for each one thousand dollars of taxable capital shall be as follows for all tax years:

(i) One dollar and fifty cents for the first three hundred thousand dollars of such taxable capital.

(ii) Three dollars for taxable capital in excess of three hundred thousand dollars.

B. The tax levied herein is due and payable on any one or all of the following alternative incidents:

(1) The qualification to carry on or do business in this state or the actual doing of business within this state in a corporate form. The term "doing business" as used herein shall mean and include each and every act, power, right, privilege, or immunity exercised or enjoyed in this state, as an incident to or by virtue of the powers and privileges acquired by the nature of such organizations, as well as, the buying, selling, or procuring of services or property.

(2) The exercising of a corporation's charter or the continuance of its charter within this state.

(3) The owning or using any part or all of its capital, plant, or other property in this state in a corporate capacity.

~~B-C.~~ It is the purpose of this Section to require the payment of this tax to the state of Louisiana by domestic corporations for the right granted by the laws of this state to exist as such an organization, and by both domestic and foreign corporations for the enjoyment, under the protection of the laws of this state, of the powers, rights, privileges, and immunities derived by reason of the corporate form of existence and operation. The tax hereby imposed shall be in addition to all other taxes levied by any other statute.

~~E-D.~~(1) As used herein the term "domestic corporation" shall mean and include all corporations, joint stock companies or associations, or other business organizations organized under the laws of this state which have privileges, powers, rights, or immunities not possessed by individuals or partnerships.

(2) The term "foreign corporation" shall mean and include all such business organizations as hereinbefore described in this Paragraph which are organized under the laws of any other state, territory or district, or foreign country.

~~D.~~ The increase in the tax imposed by this Section from one dollar and fifty cents to three dollars for each one thousand dollars, or major fraction thereof, of capital stock, surplus, undivided profits, and borrowed capital shall not be applicable to the first three hundred thousand dollars of capital stock, surplus, undivided profits, and borrowed capital of each corporation.

§602. Determination of taxable capital

A. Taxable capital.

R.S. 47:602(A)(1) is all proposed new law.

(1) Taxable capital shall be the amount of a corporation's issued and outstanding capital stock, surplus, undivided profits and that

portion of borrowed capital provided for in R.S. 47:603 until borrowed capital is no longer included in taxable capital.

(2) Every corporation taxed under this Chapter shall determine the amount of its issued and outstanding capital stock, surplus, and undivided profits and borrowed capital and that portion of borrowed capital provided for in R.S. 47:603 until borrowed capital is no longer included in taxable capital, as the basis for computing the franchise tax levied under this Chapter and determining the extent of the use of its franchise in this state.

B. The secretary is authorized to provide such rules and regulations as may be necessary or appropriate to determine whether an interest in a corporation is to be treated for purposes of the corporation franchise tax as capital stock. The rules and regulations shall set forth the factors which are to be taken into account in determining whether a debtor-creditor relationship exists. The factors may include but are not limited to the following:

(1) Whether there is a written unconditional promise to pay on demand or on a specified date a sum certain in money in return for an adequate consideration in money at a fixed rate of interest.

(2) Whether there is subordination to or preference over any indebtedness of the corporation.

(3) The ratio of debt to the equity of the corporation.

(4) Whether there is convertibility into the stock of the corporation.

(5) The relationship between the holdings of stock in the corporation and holdings of the interest in question.

(6) The treatment of such interest under federal law.

~~B-C.~~ Holding corporation deduction. Any corporation having as a subsidiary a banking corporation as defined below shall be entitled to deduct from its ~~capital stock, surplus, undivided profits, and borrowed capital;~~ taxable capital as defined in this Chapter, its investments in and advances to such subsidiary banking corporation to the extent that such investments and advances exceed the difference between the total assets and the capital stock, surplus, and undivided profits ~~and borrowed capital~~ of the holding corporation. "Subsidiary banking corporation" is defined to be a banking corporation organized under the laws of the United States of America or of the state of Louisiana the capital stock of which to an extent of at least eighty percent is owned by a holding corporation.

~~E-D.~~ Public utility holding corporation deductions. Any corporation registered under the Public Utility Holding Company Act of 1935 having subsidiary corporations as defined hereinbelow, shall be entitled to deduct from the amount of its Louisiana taxable capital the amount of its investments in and advances to subsidiary corporations allocated to Louisiana as provided herein. The amount of the deduction allowed shall be determined by multiplying the sum of the regulated company's investments in and advances to all of its subsidiary corporations wherever located, by the parent corporation's average ratio as determined pursuant to R.S. 47:606. If the amount of its franchise tax calculated by utilizing the applicable formula provided for in R.S. 47:601 is less than one hundred thousand dollars for any tax year, then the tax for such year shall be one hundred thousand dollars. "Subsidiary corporation" is defined to be a corporation in which at least eighty percent of the voting power of all classes of its stock, not including nonvoting stock which is limited and preferred as to dividends, is owned by a registered public utility holding corporation. Any repeal of the Public Utility Holding Company Act of 1935 shall not affect the entitlement to deductions under this Subsection of corporations registered under the provisions

of the Public Utility Holding Company Act of 1935 prior to its repeal.

~~D-E.~~ Holding corporation deductions.

(1) Any corporation having one or more subsidiary public water utility corporations as defined herein shall be entitled to deduct from the amount of its taxable capital the amount of its investments in and advances to the subsidiary public water utility corporation in computing its franchise tax.

(2) "Subsidiary public water utility corporation" is defined to be any public utility corporation organized under the laws of the state of Louisiana, subject to the jurisdiction of the Public Service Commission under R.S. 45:1161 et seq., engaged in operating a waterworks or in furnishing water and related services, and in which at least eighty percent of the voting power of all classes of its stock, not including nonvoting stock which is limited and preferred as to dividends and stock which is otherwise nonvoting during the taxable year, is owned by a holding corporation.

~~E-F.~~ Deduction for members of certain controlled groups.

(1) Any corporation in a controlled group, having as a member of such group a telephone corporation regulated by the Louisiana Public Service Commission, shall be entitled to deduct from its ~~capital stock, surplus, undivided profits, and borrowed capital~~, taxable capital as defined in this Chapter, its investment in and advances to any member of the controlled group.

(2) For purposes of this Subsection, "controlled group" is defined to be a group of affiliated corporations at least one of which is regulated by the Louisiana Public Service Commission and holds a certificate of public convenience and necessity issued by the Louisiana Public Service Commission to provide local exchange telephone service and other members of which are engaged in providing telephone, cellular, microwave, paging, data-transmission, or other telecommunications services and includes subsidiary, brother-sister, or tier corporations engaged in the sale, manufacture, maintenance, financing, or installation of equipment to facilitate the providing of telephone and other related services, and the capital stock of which, to an extent of at least eighty percent, is owned by another member of the controlled group. This Subsection shall not apply to any corporation primarily engaged in activity unrelated to the telecommunications services referred to in the Subsection.

G. The portion of the deduction for "investments in and advances to" a subsidiary as provided for in this Section which is composed of loans and advances to a subsidiary shall be reduced by the same percentage and at the same time as is provided for the reduction of borrowed capital in R.S. 47:603(A)."

AMENDMENT NO. 5

On page 1, line 10, after "A." insert "(1)"

AMENDMENT NO. 6

On page 2, between lines 8 and 9, insert:

"(2)(a) For taxable years beginning after June 30, 2004, and before July 1, 2005, taxable capital for purposes of this Chapter shall include ninety percent of borrowed capital as determined pursuant to the provisions of this Section.

(b) For taxable years beginning after June 30, 2005, and before July 1, 2006, taxable capital for purposes of this Chapter shall include seventy-five percent of borrowed capital as determined pursuant to the provisions of this Section.

(c) For taxable years beginning after June 30, 2006, and before July 1, 2007, taxable capital for purposes of this Chapter shall include sixty percent of borrowed capital as determined pursuant to the provisions of this Section.

(d) For taxable years beginning after June 30, 2007, and before July 1, 2008, taxable capital for purposes of this Chapter shall include forty percent of borrowed capital as determined pursuant to the provisions of this Section.

(e) For taxable years beginning after June 30, 2008, and before July 1, 2009, taxable capital for purposes of this Chapter shall include twenty percent of borrowed capital as determined pursuant to the provisions of this Section.

(f) For taxable years beginning after June 30, 2009, and thereafter, taxable capital for purposes of this Chapter shall not include borrowed capital."

AMENDMENT NO. 7

On page 3, delete lines 7 through 25, and insert:

§604. Capital stock

A. For the purpose of ascertaining the tax imposed in this Chapter, capital stock, whether having par value or not, shall be deemed to have such value as is reflected on the books of the corporation, subject to examination and revision by the collector, but in no event shall such value be less than is shown on the books of the taxpayer corporation.

B. Where capital stock is issued for assets and the transaction is treated as a tax-free exchange under R.S. 47:131, 132, 133, 135, 136, 137, and 138, the collector shall consider the cost of the assets as determined under R.S. 47:605(A) and the value of any intangibles acquired as the value of the stock issued to acquire such assets. Capital stock shall include full shares, fractional shares, and any script certificates convertible into shares of stock.

* * *

§606. Allocation of taxable capital

A. General allocation formula.

For the purpose of ascertaining the tax imposed in this Chapter, every corporation subject to the tax is deemed to have employed in this state the proportion of its entire issued and outstanding ~~capital stock, surplus, undivided profits, and borrowed capital~~, taxable capital, computed on the basis of the ratio obtained by taking the arithmetical average of the following ratios:

* * *

Section 2. R.S. 47:603 is hereby repealed effective July 1, 2009.

Section 3. R.S. 47:606(C) is hereby repealed.

Section 4. This Act shall become effective on July 1, 2004, and shall be effective for taxable years beginning after June 30, 2004."

Senator Barham moved adoption of the amendments.

Senator B. Jones objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham
Bean

Fontenot
Gautreaux

Mount
Romero

Boissiere
Cain
Chaisson
Dardenne
Dean
Dupre
Ellington
Total—25

Hollis
Hoyt
Johnson
Lentini
Malone
McPherson
Michot

Schedler
Smith
Theunissen
Thomas
Ullo

NAYS

Mr. President
Campbell
Cravins
Fields
Total—11

Heitmeier
Hines
Holden
Jones, B
Jones, C
Marionneaux
Tarver

ABSENT

Bajoie
Total—3
Irons
Lambert

The Chair declared the amendments were adopted.

The bill was read by title. Senator Barham moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Barham
Bean
Boissiere
Cain
Campbell
Chaisson
Dardenne
Dean
Dupre
Total—27

Ellington
Fontenot
Gautreaux
Hollis
Hoyt
Johnson
Jones, C
Lentini
Malone
McPherson
Michot
Mount
Romero
Schedler
Smith
Theunissen
Thomas
Ullo

NAYS

Mr. President
Cravins
Fields
Total—9

Heitmeier
Hines
Holden
Jones, B
Marionneaux
Tarver

ABSENT

Bajoie
Total—3
Irons
Lambert

The Chair declared the amended bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Recess

On motion of Senator Ellington, the Senate took a recess until 8:00 o'clock P.M.

After Recess

The Senate was called to order at 8:00 o'clock P.M. by the President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux	McPherson
Bean	Heitmeier	Michot
Boissiere	Hines	Mount
Cain	Holden	Romero
Campbell	Hollis	Schedler
Chaisson	Hoyt	Smith
Cravins	Irons	Tarver
Dardenne	Johnson	Theunissen
Dean	Jones, B	Thomas
Dupre	Jones, C	Ullo
Ellington	Lentini	
Total—38		

ABSENT

Lambert
Total—1

The President of the Senate announced there were 38 Senators present and a quorum.

Senate Business Resumed

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

OFFICE OF THE COMMISSIONER OF INSURANCE

State of Louisiana

June 11, 2002

The Honorable John Hainkel & Members of Senate
President Louisiana Senate
Post Office Box 94183
Baton Rouge, LA 70804

Dear President Hainkel and Members of the Senate:

This is to inform you that recently I appointed the following employees to the following positions:

James J. Donelon, (Acting) Chief Deputy Commissioner
Chad Brown, Deputy Commissioner of Management & Finance

June 11, 2002

Gillis C. Hill, Deputy Commissioner of Receivership
Paula Pellerin-Davis, Deputy Commissioner of Property & Casualty
Ron C. Henderson, Deputy Commissioner of Licensing & Compliance

I am submitting these appointees to you for your consideration and confirmation.

If further information is needed, please do not hesitate to contact me.

With warm regards,
J. ROBERT WOOLEY
Acting Commissioner of Insurance

Cc: J. Chris Ullo

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications were received and read:

SENATE
State of Louisiana
P. O. Box 94183
Baton Rouge, LA 70804-9183

June 10, 2002

The Honorable M. J. "Mike" Foster, Jr.
Governor, State of Louisiana
Fourth Floor, State Capitol Building
Baton Rouge, Louisiana 70802

Dear Governor Foster:

House Bill No. 95 by Representative DeWitt relative to state sales and use taxes was improperly enrolled by the House Enrolling Room, and when I signed the Enrolled Bill, I was not aware of the error. Accordingly, I respectfully request that you return the Enrolled Bill to me in order for me to remove my signature.

The Senate Committee on Revenue and Fiscal Affairs adopted committee amendments to R.S. 47:301(14)(f) in the bill, which amendments were adopted by the Senate. The bill was then passed by the Senate and returned to the House.

The House concurred in the Senate amendments. As the bill left the Senate, the comma was not included. Upon enrollment, the Clerk of the House directed the House enrolling staff to insert a comma into the portion of the bill amended by the Senate. Inserting the comma significantly changes the intent of the amendments. The Legislative Fiscal Office has informed me that if a court were to declare that the bill was enacted without the comma, it would cost the state in excess of \$50,000,000 in tax exemptions.

Since the enrolled bill is incorrect and not what was adopted by the Senate and concurred in by the House, I respectfully request that you return House Bill No. 95 to the House in order for the house to properly enroll the bill or reconsider their concurrence. The House

could then send the bill to conference where the error could be properly corrected. The Bill could then be passed, enrolled, signed and presented to you for your consideration.

Sincerely yours,
JOHN J. HAINKEL, JR.

STATE OF LOUISIANA
Legislative Fiscal Office

TO: Senator John J. Hainkel, Senate President
Senator Robert J. Barham, Chairman,
Committee on Revenue and Fiscal Affairs
Michael S. Baer, III, Secretary of the Senate

FROM: Robert Hosse, Legislative Fiscal Office
Economist

DATE: June 10, 2002

SUBJECT: House Bill 95 of 2002 Regular Session

House Bill 95 was amended in Senate Committee on Revenue and Fiscal Affairs with the intention to specifically exclude from state and local sales and use tax "cold storage space which is furnished pursuant to a bailment arrangement." The Senate Committee amendment as proposed for adoption to the Senate was missing a comma at the end of the exclusion language. The Legislative Fiscal Office informed Senate Revenue and Fiscal Affairs Committee Staff of the oversight, and recommended that a "technical" amendment be adopted to correct the language. The amendment was not adopted and HB 95 was favorably passed. The Legislative Fiscal Office then informed Speaker Charles W. "Charlie" DeWitt, Jr. and his assistant, Cindy Mancuso, of the "technical glitch" in the bill and suggested that steps be taken to remedy the oversight because the LFO feared that without the comma the bill would exclude more than was the intention of either the Senate Revenue and Fiscal Affairs Committee or the Senate as the bill was discussed. The Legislative Fiscal Office prepared a fiscal note on the Enrolled bill based on the language that was in that version of the bill.

Without the comma at the end of the clause to exclude "cold storage space furnished pursuant to a bailment arrangement", the Legislative Fiscal Office interprets the language as also excluding the "furnishing of the service of preparing tangible personal property for cold storage where such service is incidental to the operation of storage facilities." At this time, neither the Department of Revenue nor the Legislative Fiscal Office have information to definitively estimate the impact of an exclusion on the provision of these services to prepare this property for cold storage. However, according to the Department of Revenue, census information would suggest that an impact between \$100,000 and \$800,000 could result from such an exemption. The department has indicated that the likely impact would be less than \$500,000 annually. Census information indicates that as much as \$20 million annually is expended for cold storage and the services to prepare property for cold storage, in aggregate. If half of these expenditures are for the preparation of the property, state sales and use tax revenue would decrease by approximately \$400,000 annually from this "unintended exemption". Again, neither the department nor the LFO knows what proportion of these total

June 11, 2002

expenditures would occur for either the provision of cold storage space or the preparation of the property to be stored in this manner.

MEMO

TO: SENATE PRESIDENT JOHN J. HAINKEL, JR.

RE: HB95

DATE: JUNE 10, 2002

On May 28, 2002, in amendments offered to the Senate Committee on Revenue and Fiscal Affairs for HB95 and approved by the committee, a critically positioned "comma" was inadvertently left out of the amendment's language.

Meanwhile, Legislative Fiscal Office Analyst Robert Hosse noticed the missing comma and became concerned that without the punctuation a serious fiscal impact could result. It was the intent of the committee to include the comma in the language of the amendment.

Heyward Jeffers, attorney for the committee, after talking with Mr. Hosse, prepared a Senate Floor Amendment to restore the needed comma to the bill. The amendment was at the desk when the bill came up for final passage on the Senate Floor but was never formally offered and the bill was passed by the full Senate without the needed punctuation.

An attempt to correct the bill in the House with a journal correction was made but after the bill was enrolled it caused concern in both chambers because of the substantive nature of the "comma" and the potential fiscal impact, by some estimates as much as \$50 million.

Now it appears that the enrolled bill must be reconsidered, Senate amendments rejected, HB95 sent to a conference committee where the needed "comma" can be correctly restored to the language of the bill. Then and only then will HB95 reflect, in my opinion, the true intent of the Senate Revenue and Fiscal Affairs Committee as well as the full House and Senate.

This constitutes my understanding of the current status of HB95.

Respectfully submitted
HEYWARD JEFFERS
Senate Staff Attorney

cc: Senator Robert Barham
Robert Hosse, Legislative Fiscal Office

MEMORANDUM
From the Office of
MICHAEL S. BAER, III

TO: Terry Ryder
SUBJECT: **HB 95**
DATE: June 9, 2002

You might want to hold up on this until we get this worked out.

Attachments

MEMORANDUM
From the Office of
MICHAEL S. BAER, III

TO: Butch Speer
SUBJECT: **HB 95**
DATE: June 9, 2002

According to our journal, HB 95 has not been enrolled properly, as it contains a comma that the Senate did not put in the bill.

Since this is substantive, and therefore makes the bill unconstitutional because of it, you might want to see if you can pull it from Governor's office and put it in conference.

I am surprised, after our conversation, you would ignore the substantive change the Senate made to this bill.

cc: Terry Ryder

Regular Session, 2002
HOUSE BILL NO. 95

ENROLLED

BY REPRESENTATIVES DEWITT AND THOMPSON
AN ACT

To amend and reenact R.S. 47:301(10)(t), (14)(f), and (18)(h), relative to state sales and use taxes; to define retail sale and use to exclude the acquisition and distribution of telephone directories distributed free of charge by advertising companies not affiliated with telephone service providers; to provide for an effective date; to define cold storage relative to the imposition of sales taxes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:301(10)(t), (14)(f), and (18)(h) are hereby amended and reenacted to read as follows:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meaning ascribed to them in this Section, unless the context clearly indicates a different meaning:

* * *

(10)

* * *

(t) For purposes of sales and use taxes levied by the state or any political subdivision of the state, the term "sale at retail" shall not include the transfer of title to or possession of telephone directories by an advertising company that is not affiliated with a provider of telephone services if the telephone directories will be distributed free of charge to the recipients of the telephone directories.

* * *

(14) "Sales of services" means and includes the following:

* * *

(f) The furnishing of cold storage space, except that space which is furnished pursuant to a bailment arrangement, and the furnishing of the service of preparing tangible personal property for cold storage where such service is incidental to the operation of storage facilities; and

* * *

(18)

* * *

June 11, 2002

(h) For purposes of sales and use taxes levied by the state or any political subdivision of the state, the term "use" shall not include the exercise of any right of ownership in or the distribution of telephone directories acquired by an advertising company that is not affiliated with a provider of telephone services if the telephone directories will be distributed free of charge to the recipients of the telephone directories.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 95 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 2, after "47:301(10)(t)" insert ", (14)(f),"

AMENDMENT NO. 2

On page 1, line 6, after "date;" insert "to define cold storage relative to the imposition of sales taxes;"

AMENDMENT NO. 3

On page 1, line 8, after "47:301(10)(t)" insert ", (14)(f),"

AMENDMENT NO. 4

On page 2, between lines 7 and 8 insert:

"(14) "Sales of services" means and includes the following:

* * *

(f) The furnishing of cold storage space, **except that space which is furnished pursuant to a bailment arrangement** and the furnishing of the service of preparing tangible personal property for cold storage where such service is incidental to the operation of storage facilities; and

* * *"

LEGISLATIVE FISCAL OFFICE

Fiscal Note

Fiscal Note On: **HB 95 HLS 02-262**
 Bill Text Version: **ENGROSSED**
 Opp Chamb Action:
 Sub Bill For:
 Proposed Amd: **w/ PROP SEN COMM AMD**

Date: May 30, 2002 3:37 PM **Author:** DEWITT
Dept/Agcy: Revenue
Subject: Excludes telephone directories from state sales and use tax **Analyst:** Robert E. Hosse

TAX/SALES-USE-EXEMPT EG -\$41,700 GF RV See Note

Page 1 of 1

Excludes certain telephone directories from state taxes

Current law, R.S. 47:301(10)(t) and (18)(h), excludes from local sales and use tax the transfer of title to or possession of telephone directories by an advertising company that is not affiliated with a provider of telephone services if the telephone directories are distributed free of charge to the recipients of the telephone directories. Proposed law would retain present law, and would additionally exclude these items from state sales and use tax. Present law, R.S. 47:301(14)(f) defines as a sales taxable service "the furnishing of cold storage space and the furnishing of the service of preparing tangible personal property for cold storage, where such service is incidental to the operation of storage facilities". Proposed law would exclude from that definition "space which is furnished pursuant to a bailment arrangement". Effective upon governor's signature.

EXPENDITURES	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>5-Year Total</u>
State General Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Stat. Deds./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0
REVENUES	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	<u>2005-06</u>	<u>2006-07</u>	<u>5-Year Total</u>
State General Fd.	(\$41,700)	(\$41,700)	(\$41,700)	(\$41,700)	(\$41,700)	(\$208,500)
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Stat. Deds./Other	(\$315)	(\$315)	(\$315)	(\$315)	(\$315)	(\$1,575)
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	(\$42,015)	(\$42,015)	(\$42,015)	(\$42,015)	(\$42,015)	(\$210,075)

EXPENDITURE EXPLANATION:

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

REVENUE EXPLANATION:

The proposed legislation is anticipated to result in a decrease in State General Fund revenue of approximately \$41,700 in FY 03 from the exclusion of these telephone directories from state sales and use tax. Tourism District revenue would decrease approximately \$315. Local revenue is not impacted since these items are already excluded from local sales and use tax. No growth rate is assumed for these items. The exclusion from state and local sales and use tax for cold storage space furnished pursuant to a bailment arrangement is not anticipated to result in a significant revenue impact for either state or local entities. The state is not currently taxing this service, and the Legislative Fiscal Office does not believe local entities are currently collecting any significant revenue from these specific services.

The Department of Revenue reviewed past sales tax filing history and audit assessments of identified telephone book publishers to calculate the annual state sales tax payment of \$42,000. This is broken down into the State General Fund amount of \$41,685 at the 3.97% rate, and the Tourism District amount of \$315 at the .03% rate.

Note: A technical amendment to the Senate Committee Amendment is needed to make clear that the sales tax exclusion on cold storage is limited to "that space which is furnished pursuant to a bailment arrangement". A comma would need to be inserted between the word "arrangement"

June 11, 2002

and the word "and" to clarify that the exclusion would not also apply more broadly to "the furnishing of the service of preparing tangible personal property for cold storage where such service is incidental to the operation of storage facilities".

Senate **Dual Referral Rules**

?13.5.1 >= \$500,000 Annual Fiscal Cost

?13.5.2 >= \$500,000 Annual Tax or Fee Change

House

?6.8(F) >= \$500,000 Annual Fiscal Cost

?6.8(G) >= \$500,000 Tax or Fee Increase
or a Net Fee Decrease per year**H. Gordon Monk**
STAFF DIRECTOR

June 11, 2002

HB95 By DEWITT

TAX/SALES-USE-EXEMPT:Excludes certain telephone directories from state taxes

Date Chamber Page Action

06/06	H	0	Sent to the Governor for executive approval.
06/05	S	0	Signed by the President of the Senate.
06/04	H	10	Enrolled and signed by the Speaker of the House.
06/03	H	5	Read by title, roll called, yeas 99, nays 0, Senate amendments concurred in.
05/30	H	23	Received from the Senate with amendments.
05/30	S	0	Read by title and finally passed as amended 29 yeas and 1 nays; title read and adopted and bill ordered to the House. Motion to reconsider tabled.
05/29	S	0	Reported without Legislative Bureau amendments, read by title and passed to a third reading.
05/28	S	0	Reported with amendments. Rules suspended, committee amendments read and adopted. by title and referred to the Legislative Bureau.
05/15	S	8	Received in the Senate. Rules suspended read first and second time by title and referred to the committee on REV & FISCAL AFFAIRS.
05/15	H	6	Read third time by title, roll called on final passage, yeas 98, nays 0. Finally passed, title adopted, ordered to the Senate.
05/14	H	4	Read by title, ordered engrossed, passed to 3rd reading - regular calendar.
05/14	H	4	Rules suspended.
05/14	H	3	Reported favorably (10-0) (Regular)
04/29	H	13	Read by title, under the rules, referred to the Committee on WAYS & MEANS.
04/29	H	13	Rules suspended.
04/25	H	0	Prefiled.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**DISAGREEMENT TO HOUSE BILL**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 58 by Representative Hebert, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House**HOUSE CONFEREES APPOINTED**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 58 by Representative Hebert:

Representatives Hebert, Hammett and Alario.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House**HOUSE CONFEREES APPOINTED**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to Senate Bill No. 31 by Senator B. Jones:

Representatives Hammett, Schneider and Alario.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House**HOUSE CONFEREES APPOINTED**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 197 by Representative Swilling:

Representatives Swilling, Broome and Richmond.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

**PASSED SENATE BILLS AND
JOINT RESOLUTIONS**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 42—

BY SENATOR FONTENOT AND REPRESENTATIVES MURRAY AND PIERRE

AN ACT

To enact R.S. 47:6016, relative to tax credits; to grant a refundable credit against income and corporate franchise tax for the purchase of certain items from certain contractors employing inmate labor; and to provide for related matters.

Reported without amendments.

SENATE BILL NO. 57—

BY SENATOR THOMAS

AN ACT

To amend and reenact R.S. 47:305(D)(5), relative to exclusions and exemptions from sales and use taxes; to provide or authorize an exemption for the sale, administration, or procurement of certain prescription drugs from local sales taxes; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 60—

BY SENATOR C. JONES

AN ACT

To enact R.S. 33:2711.11.1, relative to taxation; to authorize the levy of a tax by a municipality having a population exceeding fifty thousand but not in excess of fifty-five thousand according to the most recent federal decennial census; to provide for the purpose of the tax; and to provide for related matters.

Reported with amendments.

SENATE BILL NO. 80—

BY SENATORS HOLDEN, BAJOE, BARHAM, BEAN, CHAISSON, CRAVINS, DEAN, DUPRE, ELLINGTON, FONTENOT, HINES, JOHNSON, B. JONES, LAMBERT, MALONE, MARIONNEAUX, MCPHERSON, SMITH AND THOMAS

AN ACT

To enact R.S. 48:27, relative to the issuance of revenue anticipation bonds for the purpose of financing transportation projects; to authorize the State Bond Commission, acting on behalf of the state of Louisiana and the Department of Transportation and Development, to issue revenue anticipation bonds in order to finance all or a portion of the costs incurred or to be incurred for

accelerated construction of state transportation projects; to authorize the State Bond Commission to fix the details of such obligations and to provide for the sale of such obligations from time to time at public or private sales; to provide for the pledge of federal highway funds received by the state of Louisiana; to provide that the interest income from such obligations shall be exempt from all taxation within the state; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 86 (Substitute for Senate Bill No. 84
by Senator Ellington)—**

BY SENATOR ELLINGTON

AN ACT

To enact R.S. 47:301(10)(v), (13)(g) and (h), and (18)(i), relative to sales and use taxes; to provide for the taxation of the sale or other disposition of certain tangible personal property by a dealer in connection with the sale or use of mobile telecommunications services; to provide for applicability of the Act to certain claims and actions; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

DISAGREEMENT TO HOUSE BILL

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 2 by Representative Hammett, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

HOUSE CONFEREES APPOINTED

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 2 by Representative Hammett:

Representatives Hammett, LeBlanc, and Alario.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Appointment of Conference Committee on House Bill No. 58

The President of the Senate appointed on the Conference Committee on House Bill No. 58 the following members of the Senate: Senators Romero, Lambert and Barham.

Motion to Recommit

Senator Hainkel moved that House Bill No. 169 be recommitted to the Conference Committee. The bill was read by title.

HOUSE BILL NO. 169—

BY REPRESENTATIVES DEWITT AND HAMMETT
AN ACT

To enact R.S. 47:302(P) and 331(N), relative to the state sales and use tax; to provide relative to the effectiveness of certain exemptions to the tax; and to provide for related matters.

The bill was read by title.

ROLL CALL

The roll was called with the following result:

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	McPherson
Bajoie	Ellington	Michot
Barham	Gautreaux	Mount
Bean	Holden	Schedler
Boissiere	Hollis	Smith
Cain	Hoyt	Theunissen
Chaisson	Irons	Thomas
Dardenne	Jones, C	Ullo
Dean	Malone	
Total—26		

NAYS

Total—0

ABSENT

Campbell	Hines	Marionneaux
Cravins	Johnson	Romero
Fields	Jones, B	Tarver
Fontenot	Lambert	
Heitmeier	Lentini	
Total—13		

The Chair declared the bill was recommitted to Conference Committee.

House Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call, Resumed

The following House Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Irons asked that House Bill No. 153 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 153—

BY REPRESENTATIVES RICHMOND AND MURRAY
AN ACT

To enact R.S. 47:6015, relative to tax credits; to provide for a tax credit from income and corporation franchise taxes for certain low-income community investments; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator BJones to Reengrossed House Bill No. 153 by Representative Richmond

AMENDMENT NO. 1

On page 2, line 2, at the end of the line, after "investment" insert "and which, in turn, has been invested in qualified low-income community investments"

AMENDMENT NO. 2

On page 2, line 9, after "date," delete the remainder of the line and delete lines 10 through 16

AMENDMENT NO. 3

On page 2, at the end of line 27, insert: "For purposes of this Section, however, "issuer of a qualified equity investment" shall not mean any such issuer who has made more than twenty-five percent of the total dollar amount of the issuer's "qualified low-income investments" in loans. Also, a "qualified low-income community investment" shall not consist of any investment secured directly or indirectly by the guarantee of the federal or state government or any agency or instrumentality of the federal or state governments."

AMENDMENT NO. 4

On page 3, line 6, after "for such investment" insert "which, in turn, has been invested qualified low-income community investments"

On motion of Senator B. Jones, the amendments were adopted.

The bill was read by title. Senator Irons moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Lentini
Bajoie	Gautreaux	Michot
Barham	Heitmeier	Mount
Bean	Hines	Romero
Boissiere	Holden	Schedler
Cain	Hollis	Smith
Chaisson	Hoyt	Tarver
Dardenne	Irons	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, B	Ullo
Ellington	Jones, C	
Total—32		

NAYS

Total—0

ABSENT

Campbell	Lambert	McPherson
Cravins	Malone	
Fields	Marionneaux	
Total—7		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Called from the Calendar

Senator Hollis asked that House Bill No. 267 be called from the Calendar at this time for its final passage.

HOUSE BILL NO. 267 (Substitute for House Bill No. 183 by Representative DeWitt)—
BY REPRESENTATIVE DEWITT

AN ACT

To amend and reenact R.S. 22:1068(E)(1), (2)(d), and (3), R.S. 51:1923(1), (5), and (6)(a)(i), 1924(B) and (D)(1), (2), (5), and (E) and (F), 1926(A)(1), (2), (3)(a), and (H)(3), 1927(A), 1927.1, 1928(B)(2) and (C)(3), and 1931 and to enact R.S. 51:1923(11) through (20), 1924(D)(6), 1926(A)(4), 1927.2, 1928(B)(3), 1934(C), and 1935(C), relative to the certified capital companies; to provide for the determination of the amount of tax credits available to certified capital companies; to provide for qualified investments by certified capital companies; to define certain terms; to provide for allocation of certified capital for which tax credits are allowed; to provide for carry forward of tax credits; to provide for the transfer or sale of income or premium tax credits; to provide for annual audits following decertification of investment pools; to require annual reports to the legislature; to provide for disclosure of information concerning certified capital companies; and to provide for related matters.

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Hollis and Boissiere to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 3 and 14 proposed by the Senate Committee on Commerce, Consumer Protection, and International Affairs and adopted by the Senate on June 5, 2002.

AMENDMENT NO. 2

In Senate Committee Amendment No. 17 proposed by the Senate Committee on Commerce, Consumer Protection, and International Affairs and adopted by the Senate on June 5, 2002 on page 3, delete lines 8 through 10 and insert the following:

"investment date, such company shall remit to the Louisiana Economic Development Fund fifty percent of all distributions until the Louisiana Economic shall have received one hundred percent of the tax credits granted for such pool, and thereafter the company shall remit twenty percent of all distributions to the Louisiana Economic Development Fund."

AMENDMENT NO. 3

On page 5, line 11 change "projects" to "products"

AMENDMENT NO. 4

On page 5, delete lines 13 through 15 and insert the following:

"that at least eighty percent of the total employees of such business shall be domiciled in the state of Louisiana and that at least eighty percent of the payroll of such business shall be paid to such employees."

AMENDMENT NO. 5

On page 6, line 6 after "Louisiana business" delete "in a" and insert "that is in need of capital for"

AMENDMENT NO. 6

On page 6, line 6 after "survival," delete "or" and on line 7 after "expansion stage" insert ", new product development, or similar business purpose"

AMENDMENT NO. 7

On page 9, line 6 after "fifty percent of its" delete "financial assistance to" and insert "qualified investments in"

AMENDMENT NO. 8

On page 9, line 9 after "fifty percent of its" delete "financial assistance to" and insert "qualified investments in"

AMENDMENT NO. 9

On page 9, line 12 after "fifty percent of its" delete "financial" and insert "qualified investments in" and at the beginning of line 13 delete "assistance to"

AMENDMENT NO. 10

On page 12, line 6 between "greater than" and "eight seven" insert "forty million or otherwise stated"

AMENDMENT NO. 11

On page 15, line 5 after "acquirerer," insert the following:

"Acquirerer shall not be able to utilize any premium tax credit that the initial holder of the premium tax credit could not have utilized had such initial holder not transferred the credits."

On motion of Senator Hollis, the amendments were adopted.

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Hollis and Boissiere to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

On page 18, line 13 before "Following" insert "A."

AMENDMENT NO. 2

On page 18, line 15 after "premium tax credits" insert "and/or income tax credits"

AMENDMENT NO. 3

On page 19, between lines 4 and 5 insert the following:

" B. Following a decertification of a pool that was certified on or after January 1, 2002, and for which income tax credits or insurance premium tax credits were granted, an independent certified public accountant shall annually perform a review of all distributions, other than tax distributions and management fees, from such pool to the equity holders of the pool to determine if such distributions produce a rate of return to the equity holders of the pool of at least ten percent calculated on the original amount of certified capital contributed to such pool as well as any additional capital contributed to such pool. Within thirty days following the issuance of the accountant's annual report, the certified capital company shall remit twenty-five percent of all distributions in excess of the amount required to produce a rate of return of ten percent to the Louisiana Economic Development Fund."

AMENDMENT NO. 4

On page 19, line 7 before "The calculation" insert "C."

On motion of Senator Hollis, the amendments were adopted.

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senators Hollis and Boissiere to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 2 change "R.S. 22:1068(E)(1)," to "R.S. 22:844(M), and 1068(B), (E)(1),"

AMENDMENT NO. 2

On page 1, line 5 between "enact" and "R.S. 51:1923(11)" insert "R.S. 22:844(O) and"

AMENDMENT NO. 3

On page 2, line 1 change "R.S. 22:1068(E)(1)," to "R.S. 22:844(M), and 1068(A), (C), (E)(1),"

AMENDMENT NO. 4

On page 2, line 2 after "reenacted" insert "and R.S. 22:844(O) is hereby enacted"

AMENDMENT NO. 5

On page 2, between lines 2 and 3 insert the following:

"§844. Investments in securities

* * *

M. A domestic insurer may invest in ~~venture or seed capital investments offered by a professionally managed capital company which are certified under the provisions of Chapter 26 of Title 51 of the Louisiana Revised Statutes of 1950,~~ in a small business investment company (SBIC), or in a minority small business investment company (MSBIC) domiciled in this state, or in any such company itself, investments of bonds or investments provided through the Louisiana Science and Technology Foundation as provided in R.S. 22:1068(E), any university research or incubator venture and opportunity, the Louisiana Small Business Development Corporation, the Louisiana Small Business Equity Corporation, and the rural relief fund, or any combination of investments and companies thereof. No insurer shall invest in excess of one percent of its available admitted assets, nor more than ten percent of the allowable one percent investment in any one venture, investment, offering, or company. No insurer shall make any such investment under this Subsection unless its statutorily mandated capitalization and surplus level is one million dollars or more, or if it is under any supervisory action or administration of the Department of Insurance. Any investment authorized by this Subsection shall be eligible for a reduction of taxes as stipulated by R.S. 22:1068 provided that either the investment or the company is in Louisiana.

* * *

O. A domestic insurer may invest in venture or seed capital investments offered by a professionally managed capital company which are certified under the provisions of Chapter 26 of Title 51 of the Louisiana Revised Statutes of 1950."

AMENDMENT NO. 6

On page 2, between lines 4 and 5 insert the following:

"* * *

A. The amount of the license payable shall be reduced from the amount otherwise fixed in this Part if the payer files a sworn statement with the ~~annual report required by this Part~~ quarterly payments as required by R.S. 22:1071 showing as of ~~December 31 of the reporting period~~ the end of the reporting period that at least the following amounts of the total admitted assets of the payer, less assets in an amount equal to the reserves on its policies issued in

June 11, 2002

foreign countries in which it is authorized to do business and which countries require an investment therein as a condition of doing business, are invested and maintained in qualifying Louisiana investments as hereinafter defined in Subsection C.

* * *

C. For the purposes of this Part, "a qualifying Louisiana investment" is hereby defined as:

(a) Certificates of deposit issued by any bank or savings and loan association domiciled in this state, or certificates of deposit issued by any limited function financial institution domiciled in this state, The qualifying investment shall be equal to the number of days the funds are deposited divided by three hundred sixty-five days;

(b) Bonds of this state or bonds of municipal, school, road, or levee districts, or other political subdivisions of this state or bonds approved for issue by the Louisiana State Bond Commission;

(c) Mortgages on property located in this state;

(d) Real property located in this state;

(e) Policy loans to residents of Louisiana, or other loans to residents of this state, or to corporations domiciled in this state, except for those loans originating after January 1, 2003;

(f) Common or preferred stock in corporations domiciled in this state; and

(g) Cash on deposit in any bank or savings and loan association domiciled in this state, on average for the previous twelve month period ending December 31."

On motion of Senator Hollis, the amendments were adopted.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

On page 4, line 18 after "Financing assistance" insert "that is not a government guaranteed loan."

AMENDMENT NO. 2

On page 4, line 21 after "R.S. 51:2386 et seq" insert "and provided that any loan made for five years or less shall be re-loaned at least once at terms no less than five years according to the investment requirements of this Chapter but shall not count twice toward those requirements"

AMENDMENT NO. 3

On page 7, line 22 between "of Louisiana" and the period "." insert "provided that no amount of such investment shall be used for government guaranteed loans"

On motion of Senator B. Jones, the amendments were adopted.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

On page 2, line 12 after "amount of the investment" insert "less any securitization"

Senator B. Jones moved adoption of the amendments.

Senator Bean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Smith
Barham	Heitmeier	Ullo
Chaisson	Jones, B	
Dean	Marionneaux	
Total—10		

NAYS

Bajoie	Fields	Malone
Bean	Fontenot	McPherson
Boissiere	Hines	Michot
Cain	Holden	Mount
Campbell	Hollis	Romero
Cravins	Hoyt	Schedler
Dardenne	Johnson	Tarver
Dupre	Jones, C	Theunissen
Ellington	Lentini	Thomas
Total—27		

ABSENT

Irons	Lambert
Total—2	

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

Delete Senate Committee Amendment No. 14 proposed by the Senate Committee on Commerce, Consumer Protection, and International Affairs and adopted by the Senate on June 5, 2002.

AMENDMENT NO. 2

On page 3, line 17 delete "Notwithstanding the" and delete lines 18 through 24 in their entirety.

AMENDMENT NO. 3

On page 14, line 22 delete "or the amount of premium and income tax, and delete line 23 in its entirety and on line 24 delete "such credits are allowed"

AMENDMENT NO. 4

On page 15, line 1 after "transfer" delete "or sale"

AMENDMENT NO. 5

On page 15, line 3 at the beginning of the line delete "or sale"

AMENDMENT NO. 6

On page 15, line 4 at the beginning of the line delete "or sales"

AMENDMENT NO. 7

On page 15, line 4 after "affiliates" delete the remainder of the line and on line 5 at the beginning of the line delete "referred to as acquireres"

AMENDMENT NO. 8

On page 15, line 5 after "though a transfer" delete "or sale"

AMENDMENT NO. 9

On page 15, line 9 after "only transfer" delete "or sale"

AMENDMENT NO. 10

On page 15, line 9 after "calendar quarter" insert a period "." and delete "and the" and delete lines 10 through 13 in their entirety.

Senator B. Jones moved adoption of the amendments.

Senator Hollis objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	McPherson
Barham	Hoyt	Schedler
Campbell	Jones, B	Smith
Dardenne	Malone	Theunissen
Dupre	Marionneaux	Ullo
Total—15		

NAYS

Bajoie	Fields	Jones, C
Bean	Fontenot	Lentini
Boissiere	Heitmeier	Michot
Cain	Hines	Mount
Chaisson	Holden	Tarver
Cravins	Hollis	Thomas
Dean	Irons	
Ellington	Johnson	
Total—22		

ABSENT

Lambert	Romero
Total—2	

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 15 and 22 proposed by the Senate Committee on Commerce, Consumer Protection, and International Affairs and adopted by the Senate on June 5, 2002.

AMENDMENT NO. 2

On page 1, line 6, delete "1926(A)(4),"

AMENDMENT NO. 3

On page 4, line 2, delete "1926(A)(4),"

AMENDMENT NO. 4

On page 17, delete lines 7 through 11 in their entirety

AMENDMENT NO. 5

On page 20, line 18 after "and decertification," delete the remainder of the line and delete lines 19 through 24 in their entirety and on line 25 at the beginning of the line delete "certified after January 1, 2002."

Senator B. Jones moved adoption of the amendments.

Senator Boissiere objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Heitmeier	Mount
Cain	Hines	Romero
Campbell	Holden	Schedler
Chaisson	Hoyt	Smith
Dardenne	Jones, B	Tarver
Dean	Lentini	Theunissen
Dupre	Malone	Thomas
Total—27		

NAYS

Bean	Fields	Jones, C
Boissiere	Hollis	Michot
Cravins	Johnson	
Total—8		

ABSENT

Gautreaux	Lambert
Irons	Ullo

Total—4

The Chair declared the amendments were adopted.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

On page 15, line 25 between the semicolon ";" and "provided" insert "(a)"

AMENDMENT NO. 2

On page 15, line 26 after "fifty percent of" delete "the amount" and delete line 27 in its entirety and on page 16 line 1 at the beginning of the line delete "their respective investment dates" and insert "each investment pool"

AMENDMENT NO. 3

On page 16 line 5 between "based businesses" and the period "." insert "and (b) at least five percent of each investment pool must be or have been placed in disadvantaged businesses or companies that are fifty-one percent owned or controlled by minorities or women"

AMENDMENT NO. 4

On page 16, line 10 after "fifty percent of" delete "the amount" and delete line 11 in its entirety and on line 12 at the beginning of the line delete "their respective investment dates" and insert "each investment pool"

AMENDMENT NO. 5

On page 16, line 16 after "businesses" insert a comma "," and delete "and"

AMENDMENT NO. 6

On page 16, line 19 between "businesses" and the period "." insert "(c) at least ten percent of each investment pool must be or have been placed in disadvantaged businesses or companies that are fifty-one percent owned or controlled by minorities or women"

AMENDMENT NO. 7

On page 16, line 20 delete "requirement" and insert "requirements and the twenty-five percent requirement"

AMENDMENT NO. 8

On page 20, line 16 between "in" and "disadvantaged business," insert "(a)" and after "disadvantaged business," insert "(b) at least sixty percent of such investment pool having been placed in qualified Louisiana technology-based businesses, qualified Louisiana start-up businesses and/or qualified technology funds, with a minimum of fifty percent of such investments in qualified Louisiana technology-based businesses and (c) at least ten percent of the investment pool must be or have been placed in qualified technology funds, qualified investments in approved technology-based businesses and/or qualified investments in research park early stage businesses. The"

qualified investments used to satisfy the investment requirements regarding investment pools certified after January 1, 2002, as provided in R.S. 51:1926(1) and (2)."

Senator B. Jones moved adoption of the amendments.

Senator Boissiere objected.

ROLL CALL

The roll was called with the following result:

YEAS

Barham	Dean	Romero
Cain	Hoyt	Smith
Campbell	Jones, B	Ullo
Dardenne	Marionneaux	
Total—11		

NAYS

Mr. President	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Bean	Heitmeier	McPherson
Boissiere	Hines	Michot
Chaisson	Holden	Mount
Cravins	Hollis	Tarver
Dupre	Irons	Theunissen
Ellington	Johnson	Thomas
Fields	Jones, C	
Total—26		

ABSENT

Lambert	Schedler
Total—2	

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator B. Jones sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Jones to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

On page 1, line 3 after "(E) and (F)," insert "1925(A) and (C) and (D),"

AMENDMENT NO. 2

On page 1, line 4 after "1926(A)(1), (2), (3)(a)," insert "(F)(1)(introductory paragraph), (G)(2),"

AMENDMENT NO. 3

On page 1, line 5 at the beginning of the line after "(C)(3)," insert "1929(introductory paragraph)"

AMENDMENT NO. 4

On page 1, line 6 after "1924(D)(6)," insert "1925(E),"

AMENDMENT NO. 5

On page 3, line 27 after "(5), and (E) and (F)," insert "1925(A), and (C), and (D)," and after "1926(A)(1), (2), (3)(a)," insert "(F)(1)(introductory paragraph), and (G)(2),"

AMENDMENT NO. 6

On page 4, line 1 after "1928(B)(2) and (C)(3)," insert "and 1929(introductory paragraph),"

AMENDMENT NO. 7

On page 2 after "1924(D)(6)," insert "1925(E),"

AMENDMENT NO. 8

On page 6, line 10 after "by the secretary" insert "and the Louisiana Economic Development Council, or its successor."

AMENDMENT NO. 9

On page 14, line 6 after "commissioner" insert "and the secretary"

AMENDMENT NO. 10

On page 15, between lines 14 and 15 insert the following:

"§1925. Certification of a capital company

A. The commissioner and the secretary shall provide by rule or regulation in accordance with the provisions of the Administrative Procedure Act for the procedures for making an application for certification of a capital company. The commissioner and the secretary shall also provide by rule or regulation in accordance with the provisions of the Administrative Procedure Act for the assessing of fees for applications to pay for certification and management cost.

* * *

C. Within sixty days of application but prior to issuing certification, the commissioner shall share the full application and any relevant information with the secretary.

ED. Within sixty days of application, the commissioner shall issue the certification and notify the Department of Revenue and the commissioner of insurance of said certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including suggestions for the removal of those grounds.

DE. The commissioner and/or the secretary shall furnish a list of persons or businesses who may claim the tax credit to the Department of Revenue and the commissioner of insurance on a calendar year quarterly basis following receipt of such quarterly information as provided for under R.S. 51:1926(F)."

AMENDMENT NO. 11

On page 15, line 20 after "capital company must" delete "make" and insert "receive approval from the secretary and the commissioner that it has made"

AMENDMENT NO. 12

On page 17, between lines 12 and 13 insert the following:

" F.(1) Each certified Louisiana capital company shall report the following to the commissioner and the secretary on a calendar quarterly basis, starting with the first quarter after certification and each quarter thereafter, if any of the following information has changed since the first or any subsequent quarterly report filed:

G.(1)

* * *
* * *

(2) The commissioner and the secretary shall by rule specify the substantive content of the affidavit."

AMENDMENT NO. 13

On page 21, between lines 10 and 11 insert the following:

"§1929. Rules and regulations

The secretary ~~or~~ and the commissioner may make and promulgate rules and regulations as necessary to carry out the provisions of this Chapter, including but not limited to the following:"

On motion of Senator B. Jones, the amendments were adopted.

Floor Amendments Sent Up

Senator Heitmeier sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Heitmeier to Engrossed House Bill No. 267 by Representative DeWitt

AMENDMENT NO. 1

Delete Senate Committee Amendments Nos. 18, 19, 20, and 21 proposed by the Senate Committee on Commerce, Consumer Protection, and International Affairs and adopted by the Senate on June 5, 2002.

AMENDMENT NO. 2

On page 19, delete lines 14 through 22 and insert the following:

" A. Prior to September 1, 2003 and each quarter thereafter, the secretary shall report to the House Committees on Commerce and Ways and Means and the Senate Committees on Commerce, Consumer Protection, and International Affairs and Revenue and Fiscal Affairs on the activities of all certified capital company groups with information provided to the secretary quarterly by each certified Louisiana capital company and certified Louisiana capital company group. The cost of preparation of such report by the secretary shall be paid by the certified Louisiana capital companies and/or certified Louisiana capital company groups, and such report shall include but not be limited to the following:

(1) The total amount of certified capital raised.

(2) The total amount of certified capital raised by each certified Louisiana capital company and/or certified Louisiana capital company group.

(3) The total amount of certified capital invested in qualified investments.

(4) The total amount of certified capital that each certified Louisiana capital company and/or certified Louisiana capital group has that has yet to meet the investment requirements contained in R.S. 51:1928.

(5) The total amount of certified capital invested in qualified Louisiana businesses by each certified Louisiana capital company and/or certified Louisiana capital company group.

(6) The following information about each qualified Louisiana business that received an investment of certified capital by a certified Louisiana capital company and/or certified Louisiana capital company group:

(a) The dollar amount of new investment in physical assets in the state.

(b) The actual number and gross payroll of new permanent full and part-time jobs created.

(c) The actual number and gross payroll of jobs retained as compared to the number and payroll of jobs existing prior to the investment from the certified capital company.

(d) Wage rates and benefits of the new permanent full-time and part-time jobs created, and those of the jobs retained.

(e) Tax revenues generated by each company receiving an investment from a certified capital company, as determined by the Department of Revenue.

(f) An estimate of the total direct and indirect economic impact on Louisiana for each company receiving an investment based upon the data collected in this Section.

(7) The amount of management fees taken by each certified Louisiana capital company and/or certified Louisiana capital company group as defined by R.S. 51:1927.1(B).

(8) All information contained in R.S. 51:1934(C).

B. For the first report as outlined in R.S. 51:1927.2 by the secretary, the information shall include details about all qualified investments made by certified Louisiana capital companies since the beginning of the program as defined by this Chapter."

AMENDMENT NO. 3

On page 22, line 7, between "(6) The" and "amounts" insert "identity of the individuals or entities invested in by each certified Louisiana capital company and the"

On motion of Senator Heitmeier, the amendments were adopted.

Motion

Senator Johnson moved the previous question on the entire subject matter.

Senator McPherson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Jones, C
Bajoie	Fields	Lentini
Bean	Fontenot	Malone
Boissiere	Heitmeier	Michot
Cain	Hines	Romero
Campbell	Holden	Schedler
Chaisson	Hollis	Smith
Cravins	Hoyt	Theunissen
Dardenne	Irons	Thomas
Dupre	Johnson	
Total—29		

NAYS

Barham	Jones, B	Mount
Dean	Marionneaux	Ullo
Gautreaux	McPherson	
Total—8		

ABSENT

Lambert	Tarver
Total—2	

The Chair declared the previous question was called on the entire subject matter.

The bill was read by title. Senator Hollis moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fontenot	Jones, C
Bean	Heitmeier	Lentini
Boissiere	Hines	Michot
Cain	Holden	Theunissen
Cravins	Hollis	Thomas
Dupre	Hoyt	Ullo
Ellington	Irons	
Fields	Johnson	
Total—22		

NAYS

Mr. President	Gautreaux	Mount
Barham	Jones, B	Romero
Campbell	Malone	Schedler
Dardenne	Marionneaux	Smith
Dean	McPherson	
Total—14		

ABSENT

Chaisson	Lambert	Tarver
Total—3		

The Chair declared the amended bill failed to pass.

Notice of Reconsideration

Senator Hollis, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

Called from the Calendar

Senator Romero moved to call House Bill No. 124 from the Calendar.

Senator Marionneaux objected.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Gautreaux	McPherson
Barham	Heitmeier	Michot
Bean	Hines	Mount
Boissiere	Holden	Romero
Dean	Hollis	Schedler
Dupre	Hoyt	Smith
Ellington	Johnson	Theunissen
Fields	Lentini	Ullo
Fontenot	Malone	
Total—26		

NAYS

Campbell	Marionneaux
Jones, B	Thomas
Total—4	

ABSENT

Mr. President	Cravins	Jones, C
Cain	Dardenne	Lambert
Chaisson	Irons	Tarver
Total—9		

The Chair declared the bill was called from the Calendar.

HOUSE BILL NO. 124—

BY REPRESENTATIVES HAMMETT, DANIEL, MONTGOMERY, BROOME, AND PIERRE

AN ACT

To enact R.S. 47:301(16)(h), relative to state sales and use tax; to define tangible personal property for purposes of state sales and use taxes to exclude certain digital television and digital radio conversion equipment; to provide a state sales and use tax credit for the purchase of certain equipment; to authorize local taxing authorities to provide a local exemption or credit for purchases of certain equipment; to provide for an effective date; and to provide for related matters.

Floor Amendments Sent Up

Senator Romero sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Romero to Reengrossed House Bill No. 124 by Representative Hammett

AMENDMENT NO. 1

Delete Senate Floor Amendments No. 1 through 6 proposed by Senator Lentini and adopted by the Senate on June 6, 2002.

On motion of Senator Romero, the amendments were adopted.

Motion

Senator Cravins moved the previous question on the entire subject matter.

Without objection, so ordered.

The bill was read by title. Senator Romero moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Bajoie	Fontenot	McPherson
Bean	Gautreaux	Michot
Boissiere	Heitmeier	Mount
Campbell	Hines	Romero
Chaisson	Holden	Schedler
Cravins	Hollis	Theunissen
Dean	Johnson	Thomas
Dupre	Jones, C	Ullo
Ellington	Lentini	
Fields	Malone	
Total—28		

NAYS

Mr. President	Hoyt	Smith
Barham	Jones, B	Tarver
Dardenne	Marionneaux	
Total—8		

ABSENT

Cain	Irons	Lambert
Total—3		

The Chair declared the amended bill was passed. The title was read and adopted.

Personal Privilege

Senator Irons asked for and obtained the floor of the Senate on a point of personal privilege, and stated she appeared as absent on the vote on House Bill No. 124. She had intended to vote yea on the bill. She asked that the Official Journal so state.

Rules Suspended

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 48—
BY SENATOR THOMAS

A CONCURRENT RESOLUTION

To create and provide for the Task Force on the Working Uninsured to study and make recommendations regarding possible solutions to Louisiana's serious problem of many working citizens who are without health insurance.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 84—
BY REPRESENTATIVE DEWITT AND SENATOR MCPHERSON

A CONCURRENT RESOLUTION

To commend Ann Johnson of Lecompte for her generous support of public library services in Rapides Parish.

HOUSE CONCURRENT RESOLUTION NO. 85—
BY REPRESENTATIVE HEBERT

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to name the overpass at Canal Street and Highway 90 near Jeanerette, Louisiana, in Iberia Parish the "Big John Overpass".

HOUSE CONCURRENT RESOLUTION NO. 86—
BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To commend the Honorable Harold L. Cornette for sixteen years of dedicated and highly effective service as the mayor of Mansfield.

HOUSE CONCURRENT RESOLUTION NO. 87—

BY REPRESENTATIVE MORRISH AND SENATOR THEUNISSEN

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Walter C. Grout of Iowa.

HOUSE CONCURRENT RESOLUTION NO. 88—

BY REPRESENTATIVE FUTRELL AND SENATOR DARDENNE

A CONCURRENT RESOLUTION

To recognize October 1, 2002, as World Peace Day in the state of Louisiana.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Introduction of Senate Resolutions

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Resolutions a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 50—

BY SENATOR FIELDS

A RESOLUTION

To express sincere and heartfelt condolences upon the death of East Baton Rouge Parish assessor Frank Granger III.

On motion of Senator Fields, the resolution was read by title and adopted.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 55—

BY REPRESENTATIVE TOWNSEND

A CONCURRENT RESOLUTION

To urge and request the Board of Trustees of the Teachers' Retirement System of Louisiana and of the Louisiana State Employees' Retirement System to take all action possible to preserve and enhance the amount of funds in the system's employee experience account.

HOUSE CONCURRENT RESOLUTION NO. 74—

BY REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To urge and request the United States Department of Agriculture and the United States Environmental Protection Agency to declare methyl bromide an "official control or official requirement" as provided for in the 2002 Farm Bill.

HOUSE CONCURRENT RESOLUTION NO. 75—

BY REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality and the Department of Public Safety and Corrections, Correction Services, to examine alternatives for wastewater treatment facilities for prisons and to report the findings to the House Committee on the Environment and the Senate Committee on Environmental Quality prior to the convening of the 2003 Regular Session.

HOUSE CONCURRENT RESOLUTION NO. 76—

BY REPRESENTATIVE GALLOT

A CONCURRENT RESOLUTION

To commend the John Henry and Annie Laura Rhone/Roane-Mayfield family upon their family reunion on June 22, 2002.

HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals, office for addictive disorders, to study the current needs for prevention and treatment services for alcohol and substance abuse in the state and sources of alternative funding to meet such needs; and to provide for submission of a report of such findings.

HOUSE CONCURRENT RESOLUTION NO. 34—

BY REPRESENTATIVE JOHNS

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study all aspects of liability relating to road hazards and make specific recommendations for limiting the liability of the state.

HOUSE CONCURRENT RESOLUTION NO. 19—

BY REPRESENTATIVE TUCKER

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana to continue to work with private investors and the Millennium Port Authority and to make the development and construction of the millennium port a priority for his administration during the remainder of his term of office.

HOUSE CONCURRENT RESOLUTION NO. 24—

BY REPRESENTATIVE ANSARDI

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate the Kenner Maintenance Unit as the Leroy Williams, Sr. Maintenance Unit.

HOUSE CONCURRENT RESOLUTION NO. 60—

BY REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To urge and request the Department of Natural Resources to implement a program to use compost blends, including sugarcane compost, as part of the coastal reclamation program.

HOUSE CONCURRENT RESOLUTION NO. 67—

BY REPRESENTATIVE BALDONE

A CONCURRENT RESOLUTION

To commend Dr. Joseph A. Baldone for his many years of dedicated service and for his contributions to his community, to the state of Louisiana, and to the field of ophthalmology.

HOUSE CONCURRENT RESOLUTION NO. 70—

BY REPRESENTATIVE BEARD

A CONCURRENT RESOLUTION

To commend Sofia Tangarife of Baton Rouge upon the occasion of her naturalization as a citizen of the United States of America.

HOUSE CONCURRENT RESOLUTION NO. 72—

BY REPRESENTATIVES FAUCHEUX, GARY SMITH, AND QUEZAIRE AND SENATORS CHAISSON AND LAMBERT

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Judge Thomas J. Kliebert of Paulina.

HOUSE CONCURRENT RESOLUTION NO. 73—

BY REPRESENTATIVE GALLOT

A CONCURRENT RESOLUTION

To commend Coach Alton "Red" Franklin upon the occasion of his retirement as head football coach at Haynesville High School after thirty-five great seasons in that post.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

Message from the House**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

June 11, 2002

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 82—

BY REPRESENTATIVES DANIEL, DIEZ, FAUCHEUX, FLAVIN, FUTRELL, HEBERT, HUDSON, QUEZAIRE, AND WALSWORTH AND SENATOR CAMPBELL

AN ACT

To amend and reenact R.S. 47:301(16)(g)(iii) and (iv), relative to the sales and use tax; to extend the definition of tangible personal property as it applies to excluding certain transactions relating to manufactured homes to all tax authorities in the state; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 98—

BY REPRESENTATIVE ALARIO

AN ACT

To enact R.S. 47:602(F), relative to the corporation franchise tax; to provide for a deduction from taxable capital for certain corporations; to provide for definitions; to provide an effective date; and to provide for related matters.

HOUSE BILL NO. 122—BY REPRESENTATIVES DANIEL, FAUCHEUX, AND L. JACKSON
AN ACT

To enact R.S. 47:297.3, relative to the individual income tax; to provide for a credit against such tax for costs associated with the rehabilitation of certain historic structures; to provide for definitions; to provide for the taxable periods in which the credit may be taken; and to provide for related matters.

HOUSE BILL NO. 157—BY REPRESENTATIVES LANDRIEU, K. CARTER, DARTEZ, HUNTER, AND L. JACKSON AND SENATOR BAJOE
AN ACT

To enact R.S. 47:841(B)(4) and (5) and 841.1, relative to the tobacco tax; to increase the tax on cigarettes; to provide for deposit and use of proceeds from the tax; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 171—BY REPRESENTATIVES DEWITT, HAMMETT, AND MURRAY
AN ACT

To amend and reenact R.S. 47:293(2)(b) and to enact R.S. 47:293(2)(c) and (d), relative to the individual income tax; to limit the deductibility of excess federal itemized deductions; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 225—BY REPRESENTATIVES DURAND, BAYLOR, FAUCHEUX, GLOVER, HILL, L. JACKSON, ODINET, FRITH, MURRAY, AND WALSWORTH
AN ACT

To amend and reenact R.S. 47:297(H)(2) and (3) and 305(D)(1)(t), relative to taxes; to provide for an income tax credit for dentists who practice in designated underserved areas; to provide for an exclusion from sales and use taxes for certain dental devices; and to provide for related matters.

HOUSE BILL NO. 238—BY REPRESENTATIVES L. JACKSON AND K. CARTER
AN ACT

To amend and reenact R.S. 47:297(B) and to enact R.S. 47:297.3, relative to individual income tax credits; to revise the credit for certain child care expenses; to provide that the credit shall be refundable for certain persons; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 241—BY REPRESENTATIVES DOWNER, BALDONE, DARTEZ, DURAND, FAUCHEUX, FLAVIN, FRITH, GUILLORY, HEBERT, HUTTER, JOHNS, LEBLANC, MORRISH, ODINET, PIERRE, PINAC, PITRE, ROMERO, GARY SMITH, JACK SMITH, STELLY, TRICHE, WOOTON, AND ALARIO AND SENATORS CHAISSON, DUPRE, GAUTREAUX, HOYT, MOUNT, ROMERO, THEUNISSEN, AND ULLO
AN ACT

To enact R.S. 56:506 and to repeal R.S. 56:505, relative to seafood taken in state waters or imported into the state; to levy an excise tax on shrimp taken in state waters or imported into the state; to provide for the administration, collection, and enforcement of the tax; to provide for civil and criminal penalties; to provide for use of the avails derived from the tax; to repeal the severance tax on saltwater shrimp taken in state waters; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 26—BY REPRESENTATIVES FAUCHEUX, QUEZAIRE, AND GARY SMITH
AN ACT

To amend and reenact R.S. 47:302(P), 321(G), and 331(N), relative to the sales and use tax; to extend the effectiveness of the exemption for purchases of utilities used by certain steelworks and blast furnaces; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 53—BY REPRESENTATIVES BROOME, CAZAYOUX, AND DEVILLIER
AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(1)(jj), relative to the West Baton Rouge Parish Tourist Commission; to increase the maximum rate of the hotel occupancy tax which the commission may levy; and to provide for related matters.

HOUSE BILL NO. 59—BY REPRESENTATIVES HEBERT, ALARIO, R. ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BEARD, BOWLER, BROOME, BRUCE, CAPELLA, R. CARTER, CAZAYOUX, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DIEZ, DOERGE, DOWNER, DURAND, ERDEY, FARRAR, FAUCHEUX, FRITH, FRUGE, FUTRELL, GALLOT, GLOVER, GUILLORY, HAMMETT, HEATON, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, ILES, L. JACKSON, KATZ, KENNARD, LAFLEUR, LANDRIEU, LUCAS, MARTINY, MCCALLUM, MCDONALD, MONTGOMERY, MURRAY, NEVERS, ODINET, PERKINS, PIERRE, PITRE, POWELL, QUEZAIRE, RIDDLE, ROMERO, SALTER, SCALISE, SCHNEIDER, SCHWEGMANN, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRICHE, TUCKER, WADDELL, WALSWORTH, WELCH, WOOTON, AND WRIGHT AND SENATORS HOYT, ROMERO, AND SMITH
AN ACT

To amend and reenact R.S. 47:1712, relative to the ad valorem tax; to provide that persons qualifying for the special assessment level for certain persons aged sixty-five and older shall not be required to reapply annually; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 68—

BY REPRESENTATIVE THOMPSON

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to property taxation; to authorize the State Board of Commerce and Industry to contract with developers of retirement communities for the exemption of ad valorem taxes; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

HOUSE BILL NO. 84—

BY REPRESENTATIVE THOMPSON

AN ACT

To enact Chapter 5 of Subtitle V of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:4351 through 4356, relative to property taxation; to authorize the Board of Commerce and Industry to enter into ad valorem tax exemption contracts for development of retirement communities; to provide for contract terms and conditions; and to provide for related matters.

HOUSE BILL NO. 158—

BY REPRESENTATIVES LANDRIEU, ALARIO, R. ALEXANDER, ANSARDI, BROOME, BRUNEAU, K. CARTER, DAMICO, DANIEL, DEVILLIER, DIEZ, DURAND, FAUCHEUX, FUTRELL, HEATON, HEBERT, HUDSON, HUNTER, HUTTER, L. JACKSON, LAFLEUR, LANCASTER, LUCAS, MONTGOMERY, MORRELL, MURRAY, PINAC, PITRE, QUEZAIRE, SCALISE, SCHWEGMANN, SWILLING, THOMPSON, TOOMY, AND WRIGHT

AN ACT

To enact R.S. 47:301(3)(h), (13)(g), and (24), relative to the state and local sales and use tax; to provide for an exclusion for certain costs of certain publishing businesses; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 205—

BY REPRESENTATIVES JOHNS, HILL, AND MONTGOMERY AND SENATOR SCHEDLER

AN ACT

To enact R.S. 47:301(16)(h), relative to state and local sales and use taxes; to provide for the exclusion of purchases of certain property by nonprofit blood banks and blood collection centers; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 207—

BY REPRESENTATIVES JOHNS, HILL, AND MONTGOMERY AND SENATOR SCHEDLER

AN ACT

To enact R.S. 47:301(16)(h), relative to state and local sales and use tax; to exclude apheresis kits and leuko reduction filters used by nonprofit blood banks and blood collection centers from the definition of tangible personal property; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 236—

BY REPRESENTATIVES DANIEL AND JOHNS AND SENATORS MALONE AND THEUNISSEN

AN ACT

To amend and reenact R.S. 47:633(7)(c)(iv)(introductory paragraph) and (aa), relative to severance tax exemptions; to suspend the severance tax on inactive wells; and to provide for related matters.

HOUSE BILL NO. 258—

BY REPRESENTATIVE SWILLING AND SENATOR JOHNSON

AN ACT

To amend and reenact R.S. 33:9072(D)(1), relative to the Lake Forest Estates Improvement special taxing district; to authorize the renewal of the district's special tax or fee; and to provide for related matters.

HOUSE BILL NO. 259—

BY REPRESENTATIVE RICHMOND AND SENATOR JOHNSON

AN ACT

To enact Part III of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:4709.21, relative to certain business and industrial districts; to provide tax exemptions to certain persons, corporations, or other legal entities that make certain investments in certain business and industrial districts; and to provide for related matters.

HOUSE BILL NO. 260—

BY REPRESENTATIVE SNEED

AN ACT

To enact R.S. 33:9037.1, to authorize the issuance of bonds to finance cooperative endeavors and to provide relative to leases and subleases by certain entities for the direct or indirect purpose of securing or providing revenue to pay the principal and interest on such bonds; and to provide for related matters.

HOUSE BILL NO. 262—

BY REPRESENTATIVE R. CARTER

AN ACT

To enact R.S. 40:1501.6, relative to fire protection districts; to authorize fire protection districts in certain parishes to levy and collect sales and use taxes not to exceed one-half of one percent; to provide for voter approval; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Ullo, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 11, 2002

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bills have been properly enrolled:

SENATE BILL NO. 11—

BY SENATOR HINES AND REPRESENTATIVE MURRAY

AN ACT

To enact R.S. 47:305.14(A)(5), relative to sales tax; to provide for an exemption to the state and political subdivision sales and use tax for nonprofit organizations; to provide for an exemption from such taxes for nonprofit literacy organizations; to provide for certain definitions; and to provide for related matters.

SENATE BILL NO. 71—

BY SENATORS BAJOE AND LAMBERT AND REPRESENTATIVES MURRAY AND THOMPSON

AN ACT

To amend and reenact R.S. 47:305(D)(4), relative to local sales tax exemptions; to provide an exemption from local sales taxes for cancer and related chemotherapy prescription drugs administered in a physician's office or clinic; and to provide for related matters.

SENATE BILL NO. 13—

BY SENATORS DUPRE AND CAIN AND REPRESENTATIVES BALDONE, HILL AND MURRAY

AN ACT

To enact R.S. 47:801(13) and 803.2, relative to special fuels; to provide for the use of dyed diesel fuel in fire trucks; and to provide for related matters.

SENATE BILL NO. 18—

BY SENATOR ROMERO AND REPRESENTATIVES MURRAY AND THOMPSON

A JOINT RESOLUTION

Proposing to add Article VII, Section 21(J) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to exempt drilling rigs used exclusively for the exploration and development of minerals outside the territorial limits of the state; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

SENATE BILL NO. 39—

BY SENATOR ROMERO AND REPRESENTATIVES MURRAY AND THOMPSON

AN ACT

To enact R.S. 47:305(I), relative to sales and use tax; to provide for exemptions from state and local sales and use taxes for repairs, and materials used therefore, on drilling rigs and equipment used exclusively for exploration and development of minerals outside the territorial limits of the state in Outer Continental Shelf waters; to provide definitions; and to provide for related matters.

SENATE BILL NO. 49—

BY SENATOR B. JONES AND REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 47:3204(E) and 4302(D), and R.S. 51:1787(I), relative to legislating with regard to tax credits and exemptions; to provide a method for the collection of amounts of exemption granted under certain tax equalization and manufacturing exemption contracts; and to provide for related matters.

Respectfully submitted,
CHRIS ULLO
Chairman

The foregoing Senate Bills were signed by the President of the Senate.

Message to the Secretary of State

**SIGNED
SENATE CONCURRENT RESOLUTIONS**

June 10, 2002

To the Honorable Secretary of State:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 47—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Department of Health and Hospitals to reapply for a Medicaid Infrastructure Grant for calendar years 2003 through 2006 to develop the infrastructure necessary to establish and implement an optional categorically needy Medicaid eligibility group for working individuals with

disabilities, commonly referred to as the Medicaid Buy-in program.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Message to the Governor

SIGNED SENATE BILLS

June 10, 2002

To the Honorable Governor of the State of Louisiana:

The President of the Senate and the Speaker of the House of Representatives have signed the following Senate Bills:

SENATE BILL NO. 48—

BY SENATOR JOHNSON AND REPRESENTATIVES RICHMOND AND SWILLING

AN ACT

To enact R.S. 33:9073.1, relative to the levy of taxes in municipalities; to authorize the levy and renewal of taxes or parcel fees in specified areas or special districts within such municipalities; to provide relative to the amount, duration, collection, and use of revenue from such taxes or fees; to create special taxing districts; to provide for the creation, boundaries, governance, and purpose of such districts; and to provide for related matters.

SENATE BILL NO. 78—

BY SENATOR JOHNSON AND REPRESENTATIVES LUCAS, RICHMOND AND SWILLING

AN ACT

To enact R.S. 33:2740.54, relative to economic development; to create an economic development district in the lower ninth ward of the city of New Orleans; to provide for governance and administration of the district; to provide for the powers and duties of the governing authority, including the authority to levy taxes and issue bonds subject to voter approval; and to provide for related matters.

and they are hereby presented for executive approval.

Respectfully submitted,
MICHAEL S. BAER, III
Secretary of the Senate

Leaves of Absence

The following leaves of absence were asked for and granted:

Lambert ½ Day

Adjournment

Senator Lambert moved that the Senate adjourn until Wednesday, June 12, 2002, at 10:00 o'clock A.M.

The President of the Senate declared the Senate adjourned until 10:00 o'clock A.M. on Wednesday, June 12, 2002.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk